

JOURNAL OF THE FLORIDA SENATE

Tuesday, June 1, 1976

The Senate was called to order by the President at 9:00 a.m.
A quorum present—40:

Mr. President	Graham	Myers	Stolzenburg
Brantley	Hair	Peterson	Thomas, J.
Childers, D.	Henderson	Plante	Thomas, P.
Childers, W. D.	Holloway	Poston	Tobiassen
Deeb	Johnston	Renick	Trask
Dunn	Lane, D.	Saunders	Vogt
Firestone	Lane, J.	Saylor	Ware
Gallen	Lewis	Scarborough	Wilson
Glisson	MacKay	Sims	Winn
Gordon	McClain	Spicola	Zinkil

Excused periodically: Senators Gordon, J. Lane, Plante, W. D. Childers, Peterson, Brantley and J. Thomas, conferees on HB 3500; and Senator Barron, in discharge of legislative duties

Prayer by the Rev. Frank Preston, pastor, Fort King Presbyterian Church, Ocala, Florida:

God, our Father, whose mercies are new every morning, and fresh every evening, grant your blessing to rest upon this Senate, and individually upon each of its members. We give you thanks for their hard work and tireless toil. Prevent the pressures of these last days from bringing decisions which are too hasty, or compromises which are unwise, or causing clefts in this body which cannot be healed.

May justice flow from these chambers like a mighty river, and integrity like a never failing stream. Amen.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends the following bills be placed on Special Order Calendar for Tuesday, June 1, 1976, at 9:00 a.m.:

Consent Calendar

SB 1274	SJR 341	SB 1110	SB 514
SB 895	SB 1428	SJR 825	SB 645
HB 944	HB 372	SB 406	SB 142
SB 23	SB 1135	SB 803	SB 898
SB 925	SB 1257	HB 505	SB 527
SB 332	HB 1290	SB 310	SB 604
SB 333	HB 3158	SB 241	CS for SB 1145
SB 335	SB 980	SB 220	SB 750
SB 336	HB 1116	SB 505	SB 287
SB 260	HB 1682	HB 3870	SB 306
SJR 264	SB 1240	SB 1402	SB 439
SB 1346	SB 814	SB 367	SB 752
HB 1300	HB 2440	SB 723	SB 6
HB 3121	HB 1926	CS/HB 2847	HB 425
SB 1249	HB 886	SB 483	HB 2426

Respectfully submitted,
Lew Brantley, Chairman

The Committee on Rules and Calendar recommends the following bills be placed on Local Bill Calendar for Tuesday, June 1, 1976, at 2:00 p.m.:

SB 1445	SB 1454	SB 1447	SB 1419
SB 1457	SB 1455	SB 1444	SB 1377
SB 1421	SB 1453	SB 1442	
SB 1420	SB 1449	SB 1429	

Respectfully submitted,
Lew Brantley, Chairman

The Committee on Ways and Means recommends a Committee Substitute, as recommended by the Committee on Transportation, for the following: SB 1093 with 5 amendments

The Committee on Ways and Means recommends a Committee Substitute for the following: SB 368

The Committee on Ways and Means recommends a Committee Substitute for the Committee Substitute offered by the Committee on Governmental Operations for the following: SB 297 and 641

The bills with Committee Substitutes attached contained in the foregoing messages were placed on the calendar.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator W. D. Childers, the rules were waived and by two-thirds vote HB 4063 was withdrawn from the Committee on Commerce.

On motion by Senator Brantley, Rule 2.6 was waived and the Committee on Rules and Calendar was granted permission to consider HB 324 at the meeting at 12:00 noon this day.

On motion by Senator Plante, the rules were waived and by two-thirds vote SB 675 was withdrawn from the Committee on Ways and Means.

On motions by Senator Gordon, the rules were waived and by two-thirds vote Senate Bills 868 and 476 were withdrawn from the Committee on Ways and Means.

On motion by Senator Gordon, the rules were waived and by two-thirds vote SB 1039 was withdrawn from the Committee on Governmental Operations.

On motion by Senator Gordon, the rules were waived and by two-thirds vote SB 1380 was withdrawn from the Committee on Judiciary-Civil.

On motions by Senator Myers, the rules were waived and by two-thirds vote CS for HB 2616 and House Bills 4097 and 4098 were withdrawn from the Committee on Governmental Operations.

On motions by Senator Gordon, the rules were waived and by two-thirds vote CS for HB 2616 and HB 4097 were withdrawn from the Committee on Ways and Means.

On motion by Senator Holloway, the rules were waived and by two-thirds vote SCR 1459 was withdrawn from the Committee on Rules and Calendar and placed on the calendar.

SCR 1459—A concurrent resolution proclaiming October 15, 1976 as University of Miami Day in Florida.

—was read the second time by title.

Senator Holloway moved the following amendment which was adopted:

Amendment 1—On page 1, line 11, strike "August" and insert: September

Senator Wilson presiding.

On motion by Senator Holloway, SCR 1459 as amended was read in full, adopted, ordered engrossed and then certified to the House. The vote was:

Yeas—36

Barron	Hair	Myers	Stolzenburg
Brantley	Henderson	Peterson	Thomas, J.
Childers, D.	Holloway	Poston	Thomas, P.
Dunn	Johnston	Renick	Trask
Firestone	Lane, D.	Saunders	Vogt
Gallen	Lane, J.	Saylor	Ware
Glisson	Lewis	Scarborough	Wilson
Gordon	MacKay	Sims	Winn
Graham	McClain	Spicola	Zinkil

Nays—None

Senators Firestone, Gordon, Graham, Myers, Poston, Renick, Winn, Zinkil, Barron, Brantley, D. Childers, W. D. Childers, Deeb, Dunn, Gallen, Glisson, Hair, Henderson, Johnston, D. Lane, J. Lane, Lewis, McClain, MacKay, Peterson, Plante, Saunders, Sayler, Scarborough, Sims, Spicola, Stolzenburg, J. Thomas, P. Thomas, Tobiasen, Trask, Vogt, Ware and Wilson were recorded as co-introducers of SCR 1459.

REQUESTS FOR EXTENSION OF TIME

The Committee on Natural Resources and Conservation requests an extension of 10 days for consideration of the following:

SB 233 by Senator MacKay	SB 1152 by Senator Spicola
SB 302 by Senator Sims	SB 1168 by Senator Vogt
SB 303 by Senator Sims	SB 1189 by Senator Sayler
SB 438 by Senator Spicola	SB 1226 by Senator J. Thomas
SB 548 by Senator Spicola	SB 1238 by Senator Lewis
SB 109 by Senator Spicola	SB 1270 by Senators Lewis and Gallen
SB 984 by Senator Henderson	
SB 1004 by Senator Graham	

The Committee on Judiciary-Civil requests an extension of 15 days for consideration of the following:

SB 702 by Senator Myers	SB 1393 by Senator Dunn
SB 1292 by Senator McClain	SB 1418 by Senator Graham
SB 1296 by Senator Graham	HB 152 by Representative Margolis and Others
SB 1349 by Senator Scarborough	

The Committee on Ways and Means requests an extension of 15 days for consideration of the following:

SB 13 by Senator W. D. Childers	SB 423 by Senator Renick
SB 22 by Senator Poston and others	SB 424 by Senator Renick
SB 42 by Senator McClain and others	SB 452 by Senator Firestone
SB 46 by Senator Myers	SB 456 by Senator MacKay
SB 83 by Senator Deeb	SJR 458 by Senator Lewis
SB 94 by Senator Dunn	SB 467 by Senator Saunders
SB 101 by Senator Scarborough	SB 479 by Senator Gallen
SB 119 by Senator Sayler	SB 496 by Senator Peterson and others
SB 125 by Senator Glisson and others	SB 507 by Senator J. Lane
SB 133 by Senator Holloway and others	SB 508 by Senator Sims
SB 143 by Senator Deeb	SB 530 by Senator Myers
SB 152 by Governmental Operations Committee	SB 532 by Senator J. Lane
SB 154 by Senator Sims	SB 533 by Senator J. Thomas
SB 155 by Senator Zinkil	SB 535 by Senator Holloway and others
SB 174 by Senator Zinkil	SB 540 by Senator MacKay
SB 176 by Senator Zinkil	SJR 567 by Senator Wilson
SB 186 by Senator Deeb	SB 579 by Senator Lewis
SB 196 by Senator Plante	SB 595 by Senator Wilson
SB 198 by Judiciary-Criminal Committee	SB 623 by Senator Glisson
SB 231 by Senator Myers	SB 660 by Senator McClain and others
SB 296 by Senator P. Thomas	SB 669 by Senator Tobiasen
SB 316 by Senator MacKay	SB 670 by Senator MacKay
SB 326 by Senator P. Thomas	SB 679 by Senator Gallen
SB 337 by Senator Henderson	SB 682 by Senator Dunn
SB 338 by Senator Henderson	SB 710 by Senator Vogt
SB 339 by Senator Henderson	SB 732 by Senator Graham
SB 353 by Senator Poston	SB 744 by Senator Peterson and others
SB 354 by Senator Poston	SB 771 by Senator Henderson
SB 365 by Senator Poston	SB 787 by Senator Trask
SB 366 by Senator Dunn	SB 801 by Senator Glisson
SB 372 by Senator J. Thomas	SB 802 by Senator Graham and others
SB 392 by Senator Poston	SB 923 by Senator Johnston
SB 408 by Senator Zinkil	SB 943 by Senator Graham and others
	SB 947 by Senator Gordon
	SB 956 by Senator Myers
	SB 1003 by Senator Myers
	SB 1006 by Senator Dunn
	SB 1025 by Senator Gordon
	SB 1034 by Senator Gordon
	SB 1058 by Senator Graham and others

SB 1063 by Senator Graham	HB 46 by Representative Ogden
SB 1087 by Senator Graham	
SB 1088 by Senator Graham	CS/
SB 1095 by Senator Dunn	HB 1106 by Representative Melvin and others
SB 1099 by Senator Dunn and others	
SB 1101 by Senator Tobiasen	HB 1711 by Representative G. Robinson and others
SB 1112 by Senator Graham	
SB 1140 by Senator Spicola	HB 1983 by Representative D. Clark and others
SB 1169 by Senator Plante and others	
SB 1205 by Senator Henderson	HB 2797 by Representative Rish and others
SB 1247 by Senator Gordon	HB 3808 by Finance and Taxation Committee
SB 1325 by Senator Graham and others	
SB 1368 by Senator Hair	HB 4020 by Finance and Taxation Committee
SB 1430 by Ways and Means Committee	HB 4026 by Finance and Taxation Committee

MESSAGES FROM THE GOVERNOR

The Governor advised that he had filed in the office of the Secretary of State Senate Bills 200, 301, 362 and 494 which he had approved May 31.

The Governor advised that he had filed in the office of the Secretary of State Senate Bills 585, 872, 875, 877 and 1269 which became law without his signature.

The President presiding.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed SB 472.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 659.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed SB 249.

Allen Morris, Clerk

The bills contained in the foregoing messages were ordered enrolled.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment to House amendment and passed SB 1009, as amended.

Allen Morris, Clerk

The bill was ordered engrossed and then enrolled.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments and passed HB 2811, HB 33(cs), HB 4084, as amended.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator Hair and others—

SB 64—A bill to be entitled An act relating to eminent domain; creating s. 73.092, Florida Statutes; providing certain criteria to be considered by the court in assessing attorneys' fees; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment Substitute 1—On page 2, lines 3-19, strike all of said lines and insert: Section 1. Section 73.091, Florida Statutes, is amended to read:

73.091 Costs of the proceedings.—

(1) The petitioner shall pay all reasonable costs of the proceedings in the circuit court, including a reasonable attorney's fee to be assessed by that court, *not to exceed \$7500; provided that, when the award or settlement is higher than the initial offer of the petitioner before suit was filed, the attorney's fee shall be a reasonable fee not to exceed \$10,000 or 40 percent of the difference between the amount of the initial offer and the amount of the award or settlement, whichever is higher.*

(2) *The restrictions contained in subsection (1) on the amount of attorneys' fees to be assessed by the court shall not apply to inverse condemnation proceedings.*

Section 2. Subsection (2) of section 73.131, Florida Statutes, is amended to read:

73.131 Appeals, costs.—

(2)(a) The petitioner shall pay all reasonable costs of the proceedings in the appellate court, including a reasonable attorney's fee to be assessed by that court, except upon an appeal taken by a defendant in which the judgment of the trial court shall be affirmed, *provided that the total fee for trial and appeal shall be a reasonable fee not to exceed \$10,000 or 50 percent of the difference between the final award of the court and the initial offer by the petitioner before suit was filed, whichever is higher.*

(b) *The restrictions contained in paragraph (a) of this subsection on the amount of attorneys' fees to be assessed by the court shall not apply to inverse condemnation proceedings.*

Section 3. This act shall take effect upon becoming a law.

Senator Hair moved the following amendment to House substitute amendment 1 which was adopted:

Amendment 1 to House Amendment 1—On page 1, following "Section 1. Section" on line 1 strike the remainder of page 1 and insert: 73.092, Florida Statutes, is created to read:

73.092 Attorneys' fees.—In assessing attorneys' fees in eminent domain proceedings, the court shall consider the following:

(1) Benefits resulting to the client from the services rendered.

(2) The novelty, difficulty and importance of the questions involved.

(3) The skill employed by the attorney in conducting the cause.

(4) The amount of money involved.

(5) The responsibility incurred and fulfilled by the attorney.

(6) The attorney's time and labor reasonably required to adequately represent the client.

Provided, however, that under no circumstances shall the attorney fees be based solely on a percentage of the award.

Section 2. This act shall take effect October 1, 1976.

Amendment 3—In the title, lines 4-8, strike all of said lines and insert: An act relating to eminent domain; amending ss. 73.091 and 73.131(2), Florida Statutes, placing certain restrictions upon the amounts of attorneys' fees to be assessed in

such proceedings and appeals relating to eminent domain, other than inverse condemnation proceedings; providing an effective date.

Senator Hair moved the following amendment to House amendment 3 which was adopted:

Amendment 1 to House Amendment 3—On page 1, line 1 following "domain;" strike remainder of line, and lines 2 through 6 and insert: creating s. 73.092, Florida Statutes; providing certain criteria to be considered by the court in assessing attorneys' fees; providing an effective date.

On motions by Senator Hair, the Senate concurred in the House amendments as amended to SB 64 and the House was requested to concur in the Senate amendments to the House amendments.

SB 64 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

Mr. President	Hair	Plante	Tobiassen
Brantley	Henderson	Poston	Trask
Childers, D.	Johnston	Renick	Vogt
Childers, W. D.	Lane, D.	Saylor	Ware
Dunn	Lane, J.	Scarborough	Wilson
Firestone	Lewis	Sims	Winn
Gallen	MacKay	Spicola	Zinkil
Glisson	McClain	Stolzenburg	
Gordon	Myers	Thomas, J.	
Graham	Peterson	Thomas, P.	

Nays—None

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By the Committee on Commerce and Senators Tobiassen and J. Thomas—

CS for SB 212—A bill to be entitled An act relating to public contracts; creating s. 163.04, Florida Statutes, providing definitions; granting preferences to certain contractors; creating s. 287.057, Florida Statutes; placing certain conditions upon contracts for purchase of professional and technical services by the state and its agencies; providing for written agreement and for methods of billing for such services; providing that the conditions of this act do not apply to contracts for such services in effect on the effective date of this act; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, beginning on line 21, strike all of Section 2 and insert: Section 2. Section 287.057, Florida Statutes, is created to read:

287.057 Purchase of professional and technical services; evidenced by writing; payment.—

(1) No purchase of professional or technical services shall be made by the state or any agency thereof, unless the same is evidenced by a written agreement embodying all provisions and conditions of the purchase and executed prior to the rendering of any service under the agreement except in cases of valid emergencies certified by the agency head. A copy of all such agreements shall be filed with the Department of Administration and the Joint Legislative Auditing Committee.

(2) The written agreement shall include, but not be limited to, a provision that bills for fees or other compensation for services or expenses submitted for professional or technical services shall be submitted in detail sufficient for a proper pre-audit and postaudit thereof, and that bills for any travel expenses shall be submitted and paid in accordance with the rates specified in s. 112.061, governing payments by the state for travel expenses.

(3) Nothing in this section shall affect the validity or effect of any contract in existence on the effective date of this section.

Section 3. Section 287.023, Florida Statutes, is created to read:

287.023 Purchase of insurance for the Federal Compensation Employment and Training Act program participants.—The Division is authorized to purchase, on behalf of the Department of Commerce, medical and accident insurance for injury or diseases resulting from participation in any Federal Comprehensive Employment and Training Act program activity to the extent that such insurance is certified by the Department of Commerce as being required for conformity with the Federal Comprehensive Employment and Training Act or with any rules or regulations adopted pursuant thereto; providing, however, that the cost of insurance purchased pursuant to this section shall be paid from the Federal Comprehensive Employment and Training Act funds.

(RENUMBER SUBSEQUENT SECTION ACCORDINGLY)

Amendment 2—On page 1 in the title, line 15, insert after the semi-colon (;): creating s. 287.023, Florida Statutes, authorizing the Division of Purchasing of the Department of General Services to purchase certain types of insurance on behalf of the Department of Commerce when such insurance is required for conformity with the Comprehensive Employment and Training Act or with any rules or regulations adopted pursuant thereto; requiring that such insurance be purchased with Comprehensive Employment and Training Act funds;

Amendment 3—Strike all of Section 4 and insert: Section 4. (1) Any department or agency of this state, or any person employed thereby, engaging in, undertaking, or contracting for the conduct of a research project or any form of empirical study which is wholly or partially, either directly or indirectly, financed by state funds, shall, as a condition to the receipt or use of the funds, submit or agree to submit a report of the project or study at the time and in the manner herein specified, to the Department of Administration, the Joint Legislative Management Committee, and the Division of Library Services of the Department of State.

(2) Any federal, local, or private agency, college, university, research station, laboratory, firm, or person which contracts with any department or agency of this state for the conduct of a research project or any form of empirical study shall, as a condition to the receipt of state funds under such contract, submit or agree to submit a report of the project or study at the time and in the manner herein specified to the Department of Administration, to the Joint Legislative Management Committee, and to the Division of Library Services of the Department of State.

(3) Reports shall be submitted prior to the commencement of any research project or study covered by this act and on January 1 of each year thereafter until termination of the study or project. Upon conclusion of the project a final report shall be submitted.

(4) All reports shall contain a description of the project or study conducted. The description shall include the source of funds and duration, purpose, and location of each project or study. Final reports shall be accompanied by two (2) copies of the published results of the research or study or shall include the findings and conclusion of the research or study if the results are not published.

(5) Nothing in this act shall require the filing of reports on projects that have been classified by a federal or state agency in the interest of national security.

(6) The Department of Administration shall make forms available to all interested parties, keep records of all reports submitted, and after consultation with the Director of the Joint Legislative Management Committee, adopt such rules as may be necessary to carry out the purpose of this act and specify which studies or research projects may be exempt from the provisions of this law. The Joint Legislative Management Committee shall maintain a file of the final reports of all research projects for the use of committees and members of the legislature.

(7) It is the intent of the legislature that no state funds shall be used, released or spent on any study or research project coming within the purview of this act unless the reports

required herein have been submitted, or the agency, institution, firm or person performing such research or study has agreed in writing to furnish such reports in accordance with the requirements hereof.

Section 5. This act shall take effect July 1, 1976.

Amendment 4—On page 1 in the title, strike all of line 16 "providing an effective date." and insert: providing for a central depository for reports on research projects supported partially or wholly by state funds; providing an effective date.

On motions by Senator W. D. Childers, the Senate concurred in House amendments 1, 2, 3 and 4 to CS for SB 212.

CS for SB 212 passed as amended by the House amendments, and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Mr. President	Henderson	Peterson	Thomas, J.
Brantley	Holloway	Plante	Thomas, P.
Childers, D.	Johnston	Poston	Tobiassen
Childers, W. D.	Lane, D.	Renick	Trask
Firestone	Lane, J.	Saylor	Vogt
Gallen	Lewis	Scarborough	Ware
Glisson	MacKay	Sims	Wilson
Graham	McClain	Spicola	Winn
Hair	Myers	Stolzenburg	Zinkil

Nays—None

Vote after roll call:

Yea—Dunn

The bill was ordered engrossed and then enrolled.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed with amendment—

By Senator W. D. Childers and others—

SB 950—A bill to be entitled An act relating to environmental regulation; amending s. 403.804(2), Florida Statutes; requiring a study of the economic and environmental impact of any standard or proposed standard which is stricter than that set by federal agencies; deleting requirement for study of certain existing standards which are stricter than federal standards; providing for adoption and readoption of standards; requiring hearings by the Commission and the Governor and Cabinet to be in accordance with chapter 120, Florida Statutes; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, lines 4-9, after the period on page 4 strike the remainder of line and all of lines 5-9 and insert: *Within 6 months, such studies as are provided for in this paragraph shall be submitted to the Commission who shall initially adopt, or readopt, the standards within 90 days from the submission. Final action shall be by the Governor and Cabinet, who shall accept, reject, modify or remand the standards to the Commission for further proceedings the standard within 60 days from the submission. If the standards are remanded to the Commission for further proceedings, the Commission shall resubmit the standards to the Governor and Cabinet within 6 months.*

On motion by Senator W. D. Childers, the Senate concurred in the House amendment to SB 950.

SB 950 passed as amended by the House amendment and the action of the Senate was certified to the House. The vote on passage was:

Yeas—20

Mr. President	Glisson	Peterson	Stolzenburg
Brantley	Holloway	Plante	Thomas, P.
Childers, D.	Lane, J.	Saunders	Tobiassen
Childers, W. D.	Lewis	Scarborough	Trask
Gallen	McClain	Sims	Ware

Nays—17

Dunn	Johnston	Renick	Winn
Firestone	Lane, D.	Saylor	Zinkil
Gordon	MacKay	Spicola	
Graham	Myers	Vogt	
Henderson	Poston	Wilson	

Votes after roll call:

Yea—Hair

Yea to Nay—Holloway

The bill was ordered engrossed and then enrolled.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 3958 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Health & Rehabilitative Services and Representative Fortune and others—

CS for HB 3958—A bill to be entitled An act relating to correctional work programs; amending s. 944.27, Florida Statutes; providing for gain-time on a monthly basis as earned; providing legislative intent; amending s. 944.49(2), Florida Statutes; providing for application of compensation for inmate labor; amending s. 945.06, Florida Statutes; changing the term "prison industries" to "correctional work programs" and requiring the department to adopt an agricultural and industrial production and marketing program; creating s. 945.061, Florida Statutes; establishing the objectives of the correctional work programs; creating s. 945.062, Florida Statutes; establishing a financing policy for correctional work programs; creating s. 945.063, Florida Statutes; requiring the department to establish operational guidelines and evaluation processes for the correctional work programs and to seek the aid of private labor and management; amending s. 945.091, Florida Statutes, relating to extended limits of confinement; allowing offenders to participate in paid employment only during the last 18 months of their confinement; amending s. 945.11, Florida Statutes, relating to use of prisoners in public works and reimbursement therefor; authorizing certain political subdivisions to use prisoner services; amending s. 945.16, Florida Statutes; providing that correctional work program products may be sold to political subdivisions, other states, and federal agencies within the state; amending s. 945.17, Florida Statutes; renaming the "Industrial Trust Fund" the "Correctional Work Program Trust Fund"; amending s. 945.18, Florida Statutes; providing for the disposition of the moneys in the fund; amending s. 945.19, Florida Statutes; providing for the establishment of budgeting and accounting procedures for the correctional work programs and the use of moneys in the fund for lease purchase agreements; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

On motion by Senator Ware, by two-thirds vote CS for HB 3958 was withdrawn from the Committee on Judiciary-Civil and placed on the calendar.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has reconsidered passage and House amendments 2 and 3, has withdrawn amendments 2 and 3 and passed as further amended—

By Senator Saunders—

SB 468—A bill to be entitled An act relating to public officers and employees; amending s. 112.061(3)(a), (4)(b), (5), (6)(c), and (12)(a), Florida Statutes, providing that the

designated representative of an agency head may authorize traveling expenses under certain circumstances; redefining the term "official headquarters"; limiting per diem and subsistence allowances when lodging or food are provided at a state institution; providing that travel authorization request forms are necessary only with respect to travel to a convention or a conference; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 4—On page 3, lines 22-30, and on page 4, lines 1 and 2, strike all of lines 22 through 30 on page 3, and all of lines 1 and 2 on page 4 and insert: (c) All other travelers may be allowed either of the following:

1. Up to \$25 ~~\$20~~ per diem; ~~or~~

2. Up to a maximum of \$30 ~~\$25~~ based upon the amounts permitted in paragraph (d) for meals, plus actual expenses for lodging at a single occupancy rate to be substantiated by a lodging receipt; ~~or~~

3. When lodging or meals are provided at a state institution, the traveler shall be reimbursed only for the actual expenses of lodging or meals not to exceed the maximum provided for in this subsection.

(d) Meals only.—All travelers may be allowed for subsistence while on Class C travel on official business, up to the following amounts:

1. Breakfast	_____	\$2.00	\$1.75
2. Lunch	_____		2.50
3. Dinner	_____		5.00

Senator Saunders moved the following amendment to House amendment 4 which was adopted:

Amendment 1 to House Amendment 4— On page 1, lines 3-5, strike all of lines 3, 4, and 5 and insert: 2. Up to a maximum of \$25 based upon the amounts permitted in paragraph (d) for meals plus actual expenses for lodging at a single occupancy rate to be substantiated by a lodging receipt.

[Renumber subsequent subparagraph]

Amendment 5—On page 4, between lines 26 and 27 insert:

Section 2. The increases in per diem and travel provided for in Section 1 of this act shall be accomplished within the 1976 legislative session's general appropriation act.

(Renumber subsequent section)

Amendment 6—On page 1, line 21, strike the words "paragraph (c)" and insert: paragraphs (c) and (d)

Amendment 7—On page 1, in title, line 6, strike all of line 6 and insert: (5), (6)(c), (d), and (12)(a), Florida Statutes; providing rates of reimbursement for subsistence while traveling;

On motion by Senator Saunders, the Senate concurred in House amendment 4 as amended and the House was requested to concur in the Senate amendment to the House amendment.

On motions by Senator Saunders, the Senate concurred in House amendments 5, 6 and 7 to SB 468.

SB 468 passed as further amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

Mr. President	Hair	Myers	Thomas, J.
Brantley	Henderson	Peterson	Thomas, P.
Childers, D.	Holloway	Plante	Trask
Childers, W. D.	Johnston	Poston	Vogt
Deeb	Lane, D.	Renick	Ware
Dunn	Lane, J.	Saunders	Winn
Firestone	Lewis	Sims	
Gallen	MacKay	Spicola	
Graham	McClain	Stolzenburg	

Nays—5

Glisson Scarborough Tobiasen Wilson
Saylor

Vote after roll call:

Nay to yea—Glisson

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 2091 (cs) and requests the concurrence of the Senate.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives requests the return of HB 2091 (cs).

Allen Morris, Clerk

On motion by Senator Saunders, CS for HB 2091 was returned to the House as requested.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 4205 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Agriculture & General Legislation—

HB 4205—A bill to be entitled An act relating to the Florida Commercial Feed Law; amending s. 580.051(1)(e), Florida Statutes, requiring that feed labels for livestock specify certain information; providing an effective date.

—was read the first time by title and referred to the Committee on Agriculture.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 3299 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committees on Regulated Industries & Licensing and Agriculture & General Legislation—

CS for HB 3299—A bill to be entitled An act relating to charity racing days at horse racetracks, dog racetracks, and jai alai frontons; providing for an additional day of racing for the University of Florida College of Veterinary Medicine; specifying the relationship of funds received by the College of Veterinary Medicine under the provisions of this act with funds appropriated to the college by law; creating s. 550.490, Florida Statutes, redefining the method of accounting and distribution of charity day racing funds for all charity days conducted by licensees; providing for other matters relative to the foregoing; providing an effective date.

—was read the first time by title and referred to the Committee on Agriculture.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed HB 4108 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Agriculture & General Legislation and Representative Mixson—

HB 4108—A bill to be entitled An act relating to intangible personal property taxation; adding subsection (8) to s. 199.023, Florida Statutes, defining the term "genuine primary security"

for purposes of provisions relating to the tax; adding subsection (3) to s. 199.032, Florida Statutes, providing the rate of levy of the tax with respect to obligations secured by personalty and by realty; providing an effective date.

—was read the first time by title and referred to the Committee on Agriculture.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 3639 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Becker and others—

HB 3639—A bill to be entitled An act relating to condominiums and cooperatives; creating chapter 718, Florida Statutes, entitled the "Condominium Act"; creating chapter 719, Florida Statutes, entitled the "Cooperative Act"; providing legislative intent; providing definition; providing for the creation of condominiums and cooperatives, the contents of condominium declarations and the contents of cooperative documents; providing for the recording of condominium declarations; providing for condominium and cooperative parcels and providing that condominium parcels are to be considered separate parcels of real property; providing a description of the appurtenances to condominiums and cooperatives and providing for the possession and enjoyment of same; prohibiting the separation and partition of the common elements of a condominium; providing for the common elements of a condominium; providing for condominium and cooperative bylaws; providing that the maintenance of common elements with respect to condominiums is a responsibility of the association; regulating leases of recreational facilities or other commonly used areas in condominium and cooperative apartment developments between developers and condominium or cooperative apartment associations which are a mandatory condition of ownership of units in the condominium or cooperative apartment; limiting alterations to a condominium; providing for common expenses and common surplus with respect to condominiums and cooperatives; providing for assessments with respect to condominium and cooperative owners and providing for liens, liability and priorities; providing for the termination of condominiums; providing equitable relief for condominium owners under certain circumstances; limiting such owners' liabilities; providing for the taxation of condominium parcels; providing for the effect and validity of liens on condominium property; providing for the disposition of sales deposits with respect to condominiums and cooperatives, prior to closing; providing for condominium and cooperative warranties; providing for the transfer of condominium and cooperative association control; providing for the effect of agreements entered into by such associations; providing for obligations of condominium and cooperative owners; providing for the right of the association to amend condominium declarations or cooperative documents; providing rules with respect to special types of condominiums and cooperatives; providing for the conversion of existing improvements by a developer into a condominium or cooperative; providing for phase condominiums and cooperatives; providing that the Division of Florida Land Sales and Condominiums of the Department of Business Regulation shall administer both newly created chapters; requiring the filing of certain condominium or cooperative documents with the division; requiring the disclosure of certain information prior to the sale of a condominium or cooperative; requiring developers of residential condominiums and cooperatives of a certain size to prepare a prospectus or offering circular containing specified information on the units for sale; providing that a good faith effort by a condominium or cooperative developer to comply with the requirements relating to disclosure, so long as the effort is in substantial compliance and there are no material errors or omissions, shall be sufficient; providing for the effect of false or misleading material with respect to a condominium or cooperative which is published; providing for the effect of zoning and building regulations on condominiums and cooperatives; providing penalties and fees; repealing chapter 711, Florida Statutes, which is the current law on condominiums and cooperative apartments; amending s. 199.023(1)(e), Florida Statutes, redefining the term "intangible personal property"; adding subsection (4) to s. 193.023, Florida Statutes, requiring the property appraiser to assess, at fair market value, property

serving unit owners of a condominium or cooperative subject to a lease; precluding the consideration of income derived from the lease; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed—CS for HB 3170 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Governmental Operations and Representative Craig—

CS for HB 3170—A bill to be entitled An act relating to public health; amending s. 381.272(2) and (3), Florida Statutes, relating to sewage disposal facilities, exempting certain undeveloped private property from certain requirements of chapter 10D-6, Florida Administrative Code; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed as amended—

HB 3613	HB 2705	HB 3850
HB 2138	HB 2472	

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Batchelor—

HB 3613—A bill to be entitled An act relating to the Florida Education Finance Program; amending s. 236.083(9), Florida Statutes, providing for school district participation in the costs of programs designed to coordinate the use of public school buses for transportation of the elderly, the handicapped, and other similarly needy segments of society; providing for state participation in pilot programs of such coordinated use of public school buses; providing an effective date.

—was read the first time by title and referred to the Committee on Education.

By the Select Committee on Military & Veterans Affairs and Representative Lockward and others—

HB 2705—A bill to be entitled An act relating to institutions of higher learning; amending s. 240.052(4), Florida Statutes, changing certain provisions with respect to deferral of registration fees for veterans at institutions within the State University System and community college system; providing for other matters relative thereto; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Ways and Means.

By Representative Hodes—

HB 3850—A bill to be entitled An act relating to the Department of Education; creating s. 229.516, Florida Statutes, requiring the Commissioner of Education to define certain terms used with respect to postsecondary institutions; providing for institutional enrollment plans; providing for study of certain instructional costs; providing for program quality standards; creating s. 240.079, Florida Statutes, providing legislative intent; requiring the Board of Regents of the Division of Universities to submit a system wide enrollment plan; requiring the plan to be updated annually; providing for approval or amendment of the plan; providing for institutional enrollment adjustments; requiring conformity to the plan; providing for appropriations to the State University System; providing for allocation of appropriations within the State University System; requiring an annual estimate of enrollment at each institution; requiring each such estimate to be considered in developing revisions to the system wide enrollment plan; providing funding allocations based on actual

enrollment; providing for categorical programs; providing for establishment of a cost reporting system by the Board of Regents of the Division of Universities; amending s. 216.031(1), Florida Statutes, providing for conformity; providing a schedule of implementation; providing an effective date.

—was read the first time by title and referred to the Committee on Education.

By the Committee on Education—

HB 2138—A bill to be entitled An act relating to the Department of Banking and Finance; amending s. 216.102, Florida Statutes, 1974 Supplement, providing that state agency balance sheets and statements of operation shall be filed with the Comptroller; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

By Representative Moffitt—

HB 2472—A bill to be entitled An act relating to instructional aids; adding a new subsection (12) to s. 233.25, Florida Statutes, 1974 Supplement; requiring publishers and manufacturers of instructional materials to give permission for the reproduction of the material in Braille, large print, or as sound recordings for visually handicapped students as a prerequisite to providing such instructional materials to the state; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed—

HB 2940	HB 3363	CS for HB 2837
HB 2413	HB 521	HB 2495
HB 924	HB 360(cs)	HB 4109
CS for HB 2993		

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Education and Representative James and others—

CS for HB 2993—A bill to be entitled An act relating to the district school system; amending s. 230.23(7)(d), Florida Statutes, providing for the establishment and maintenance of a school library media services program; amending s. 230.33(9)(d), Florida Statutes, providing that the superintendent shall recommend plans for a school library media services program; repealing s. 233.29, Florida Statutes, relating to establishment and maintenance of libraries by school boards; providing an effective date.

—was read the first time by title and referred to the Committee on Education.

By the Committee on Education and Representative Maxwell—

CS for HB 2837—A bill to be entitled An act relating to traffic safety; amending s. 234.082, Florida Statutes, which requires that school boards notify appropriate agencies of highway hazards to pupils, to provide for notification of the entity responsible for maintenance of the sidewalk, street, or highway closest to the hazard; removing provisions which require school boards to take precautions to safeguard pupils; providing an effective date.

—was read the first time by title and referred to the Committee on Education.

By Representative Morgan—

HB 2940—A bill to be entitled An act relating to district school systems; amending s. 230.23(5)(h), Florida Statutes, increasing the maximum limits of certain awards which may be made to personnel of the system; providing an effective date.

—was read the first time by title and referred to the Committee on Education.

By Representative Hodes—

HB 3363—A bill to be entitled An act relating to the State University System; amending s. 239.665, Florida Statutes, removing certain restrictions on the use of credit cards; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce and Education.

By Representative Maxwell—

HB 2495—A bill to be entitled An act relating to the regulation of subdivisions; adding subsection (3) to s. 163.270, Florida Statutes, prohibiting the appropriate governing body in any area from adopting rules governing the regulation of subdivisions which contain school sites unless such sites meet certain requirements; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Education.

By Representative Maxwell—

HB 2413—A bill to be entitled An act relating to boards of education; amending s. 230.17(1), Florida Statutes, providing for regular and special meetings of such boards at or near the office of the superintendent; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

By Representative Young and others—

HB 521—A bill to be entitled An act relating to the Department of Education; creating s. 229.841, Florida Statutes, requiring the department to develop a plan and procedure for adoption of the metric system in public school education by 1980; providing an effective date.

—was read the first time by title and referred to the Committee on Education.

By Representative Johnson—

HB 924—A bill to be entitled An act relating to compulsory school attendance; amending s. 232.06(1), Florida Statutes, permitting a county health officer, a licensed physician, or a qualified psychological examiner in any county to submit a statement to the school superintendent certifying a child to be physically or mentally incapable of attending school; removing the requirement that the county health officer be a licensed physician in order to so certify a child; providing an effective date.

—was read the first time by title and referred to the Committee on Education.

By the Committee on Education and Representative Forbes—

HB 360 (cs)—A bill to be entitled An act relating to the Student Loan Trust Fund; amending s. 239.715, Florida Statutes, making students at private vocational schools licensed by the State Board of Independent, Post-Secondary, Vocational, Technical, Trade and Business Schools eligible for loans; providing an effective date.

—was read the first time by title and referred to the Committee on Education.

By the Committee on Education and Representative Matthews and others—

HB 4109—A bill to be entitled An act relating to education; amending s. 233.062, Florida Statutes, permitting school boards to provide a daily period of silent meditation in public schools; providing an effective date.

—was read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 3359 and HB 4061 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Richmond and Culbreath—

HB 3359—A bill to be entitled An act relating to municipal annexation; amending s. 171.044(2), Florida Statutes; removing the requirement that the municipal governing body must redefine municipal boundaries each time the municipality annexes land pursuant to the voluntary annexation provisions of law; providing for legal revision of such boundaries and publication of revised boundaries no later than 12 months after such annexation; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

By the Committee on Commerce—

HB 4061—A bill to be entitled An act relating to insurance; amending subsection 5 of section (2) of chapter 75-9, Laws of Florida, extending the life of the Medical Liability Insurance Commission; amending s. 395.18(1), Florida Statutes, making external risk management plans mandatory for all hospitals, health maintenance organizations, ambulatory surgical centers, and other health care facilities; providing in-house patient care; providing standards for risk management; providing for promulgation of rules relating to risk management by the Department of Health and Rehabilitative Services, after consulting with the Department of Insurance; amending s. 627.351(8)(d), (e), (f), and (h), Florida Statutes, enlarging the scope of coverage provided by the temporary joint underwriting plan; amending s. 627.351(8) adding paragraph (i) to said section, providing for definitions; amending s. 627.353, Florida Statutes, providing definitions; clarifying fund procedures and language relating thereto; changing financial responsibility requirements that must be met by hospitals to opt out of the Fund; providing for enforcement by the Department of Health and Rehabilitative Services of Fund provisions relating to hospitals; allowing health maintenance organizations and ambulatory surgical centers to participate in the Fund and in the limitation of liability; limiting the deficit assessment that may be levied against health care providers other than hospitals; structuring payments out of the Fund by limiting said payments to no more than \$100,000 per year per claimant exclusive of attorneys' fees; providing that the segregation of funds in the patient's compensation fund is for accounting and premium allocation purposes only and shall not affect the liability of the Fund; amending s. 627.355(1), Florida Statutes, clarifying language and expanding the scope of coverage that may be provided by self-insurers; amending s. 627.638, Florida Statutes, relating to payment of hospital bills by insurance companies; requiring that such bills be submitted to the patient or his representative, and be submitted to the insurance company prior to payment; providing for objections to such bills; creating ss. 627.6440 through 627.6448, Florida Statutes; providing a short title; requiring that all health insurers make available qualified healthcare plans; stipulating minimum benefits allowable under such plans; providing for a deductible; providing for exclusions; defining dependent's coverage; allowing additional benefits; providing for certain contract requirements; establishing a state healthcare insurance association; requiring the association to insure all persons during an open enrollment period; providing for powers and duties of the association; adding subsection (5) to s. 627.662 and subsections (5) and (6) to s. 627.657, Florida Statutes; providing that this act also apply to group, blanket and franchise disability insurers; providing for continuation of group coverage under certain circumstances; providing for severability; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce and Judiciary-Civil.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed as amended—

HB 1807

HB 3218

HB 4041

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Craig—

HB 1807—A bill to be entitled An act relating to state agencies; amending s. 111.08, Florida Statutes, 1974 Supplement,

to authorize any state agency as described in chapter 20, Florida Statutes, to compensate certain officers, employees or agents for personal liability for payment of judgments arising out of their employment; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Ways and Means.

By Representative Melvin—

HB 3218—A bill to be entitled An act relating to alcoholic beverage licenses; amending s. 561.20(2)(a), Florida Statutes, and adding paragraph (c) thereto, removing certain statutory language relating to the exemption on seating capacity and minimum size requirements granted to certain restaurants which serve alcoholic beverages which are part of publicly-owned or leased airports; exempting certain alcoholic beverage vendors operating in municipally owned or leased airports from the quota alcoholic beverage license limitations; providing for the issuance of "Special Airport Licenses" and prohibiting transfer of such licenses; providing an exception; exempting Special Airport Licenses from certain requirements of law or rules promulgated thereunder; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By the Committee on Judiciary and Representative Thompson—

HB 4041—A bill to be entitled An act relating to the issue of insanity; creating s. 921.131, Florida Statutes; amending s. 394.467(4)(a), Florida Statutes, providing notice to the State Attorney of a hearing on release of persons adjudicated not guilty by reason of insanity; amending s. 394.467(5), Florida Statutes, providing for a release procedure of persons adjudicated not guilty by reason of insanity; providing for separate trial proceedings on the issue of insanity after determination of guilt or innocence; amending s. 394.467(3)(b), Florida Statutes; providing for disposition of persons adjudicated not guilty by reason of insanity; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has adopted HM 4204 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Agriculture and General Legislation—

HM 4204—A memorial to the Congress of the United States, urging Congress to take immediate steps to enact federal legislation regulating collective bargaining in agricultural employment.

—was read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed—

HB 914 HB 4066 HB 4106

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Melvin—

HB 914—A bill to be entitled An act relating to the investment of state funds; amending s. 215.47(2) and (3), Florida Statutes, authorizing increased investment of state funds in notes secured by first mortgages on Florida real property, and extending the authorization to include mortgages insured or guaranteed by approved private mortgage companies; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce and Governmental Operations.

By the Committee on Retirement, Personnel & Claims—

HB 4066—A bill to be entitled An act relating to the State Career Service System; creating s. 110.062, Florida Statutes, requiring state agencies to post notice of vacant career service positions; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

By the Committee on Retirement, Personnel & Claims—

HB 4106—A bill to be entitled An act relating to public officers and employees; amending s. 112.21, Florida Statutes, authorizing the payment of amounts of money to credit unions, banks or savings and loan associations qualified to do business in Florida as part of certain tax sheltered annuity programs for employees of governmental agencies; authorizing the payment of amounts under qualified annuity programs as payment into qualified custodial accounts established pursuant to certain United States Internal Revenue Code requirements; providing for the liability of the governmental agency with respect to certain investments; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce and Governmental Operations.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed as amended—

HB 3405 CS for HB 3719 HB 4059

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Thompson and Craig—

HB 3405—A bill to be entitled An act relating to ad valorem tax administration; amending s. 197.241(5), Florida Statutes, providing for escheat of lands available for taxes to the county; providing an exception; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

By the Committee on Natural Resources and Representative Craig and others—

CS for HB 3719—A bill to be entitled An act relating to the restoration of the Kissimmee River Valley and the Taylor Creek-Nubbins Slough Basin; establishing a coordinating council; providing for organization and membership of the council; directing the council to develop restoration measures for the water quality of such area; providing criteria for such measures; providing for the implementation of the restoration measures by certain public agencies and governmental bodies; requiring a comprehensive report, with recommendations, to be presented to the Legislature within 1 year after the effective date of this act; providing for progress reports; providing an appropriation; providing an effective date.

—was read the first time by title and referred to the Committees on Natural Resources and Conservation and Governmental Operations.

By the Committee on Commerce and Representatives Harrington and Steinberg—

HB 4059—A bill to be entitled An act relating to insurance; creating s. 627.644, Florida Statutes; prohibiting disability insurers from refusing to provide, or charging unfairly discriminatory rates for, disability coverage for a person solely because he or she is mentally or physically handicapped; not requiring an insurer to provide insurance coverage against a person's handicap which the applicant or policyholder has already sustained; creating s. 627.6576, Florida Statutes, providing for applicability to group, blanket, or franchise disability insurers; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 3290 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Commerce and Representative Forbes—

CS for HB 3290—A bill to be entitled An act relating to the Department of Commerce; adding subsection (21) to s. 288.03, Florida Statutes, authorizing the Division of Economic Development to pay for certain actual travel and related expenses of its officers, employees, and other authorized persons when traveling with business prospects; exempting such expenditures from certain provisions of s. 112.061, Florida Statutes; adding paragraph (k) to s. 288.34(1), Florida Statutes; authorizing the Division of Tourism to pay for certain actual travel and related expenses of its officers, employees, and other authorized persons when traveling with travel writers, tour brokers, or others connected with the tourist industry; exempting such expenditures from certain provisions of s. 112.061, Florida Statutes; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce and Ways and Means.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed—

CS for HB 3158

CS for HB 2786

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Regulated Industries & Licensing and Representatives Belanger and McPherson—

CS for HB 3158—A bill to be entitled An act relating to dentistry; amending ss. 466.04 and 466.14(1), Florida Statutes, adding oral-maxillofacial surgery and physical evaluation related to surgery as acts constituting the practice of dentistry; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By the Committee on Finance & Taxation and Representatives Fortune and Craig—

CS for HB 2786—A bill to be entitled An act relating to state bonds; amending s. 215.59(1), Florida Statutes, placing a condition precedent upon the authority of the Division of Bond Finance of the Department of General Services to issue certain bonds pledging the full faith and credit of the state; providing an exception; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Ways and Means.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed—

HB 2792

HB 4029

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Young and Williamson—

HB 2792—A bill to be entitled An act relating to nursing; amending s. 464.111(1), Florida Statutes, authorizing the State Board of Nursing to waive certain educational requirements for certain licensed practical nurse applicants; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By the Committee on Agriculture & General Legislation and Representative Morgan and others—

HB 4029—A bill to be entitled An act relating to the naming of state buildings; authorizing and directing the Board of Regents of the Division of Universities of the Department of Education to name the new education building at Florida State University the "Mode L. Stone Building"; providing an effective date.

—was read the first time by title and referred to the Committee on Education.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed as amended—

HB 3169

HB 3474

HB 3995

HB 3325

HB 419

CS for HB 2631

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Craig and others—

HB 3169—A bill to be entitled An act relating to criminal law; creating s. 784.07, Florida Statutes, defining "law enforcement officer" and fire fighter; providing that persons who knowingly commit an assault or battery upon a law enforcement officer or fire fighter in the lawful performance of his duty shall be charged with a more serious crime; amending s. 775.087(2), Florida Statutes, including battery upon a law enforcement officer or fire fighter among those offenses subject to a minimum 3-year sentence if a firearm or destructive device was in the possession of the offender during the commission of the offense; specifying that the minimum 3-year sentences for specified offenses shall be for 3 calendar years; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Criminal.

By Representatives Kutun, Gordon, Bloom, Grizzle, Cherry, Gersten, Singleton, Fontana, Margolis, Harrington, and Richard—

HB 3474—A bill to be entitled An act relating to arrests; adding subsection (6) to s. 901.15, Florida Statutes, authorizing a peace officer to arrest a person without a warrant if the officer has probable cause to believe the person has committed a battery upon the person's spouse and the officer finds evidence of bodily harm or the officer reasonably believes that there is danger of violence; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Criminal.

By the Committee on Health & Rehabilitative Services and Representative Boyd and others—

HB 3995—A bill to be entitled An act relating to mental health; providing legislative intent with respect to treatment programs for certain involuntarily hospitalized patients who have been found to be incompetent to stand trial; authorizing and directing the Department of Health and Rehabilitative Services to provide secure and separate facilities for treatment of such patients; providing conditions and limitations; providing for security services; declaring a public emergency; providing that the department shall have sole responsibility for the provision of such facilities; providing for rules and specifying departmental authority; providing an appropriation; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services and Ways and Means.

By Representatives Martin and Johnson—

HB 3325—A bill to be entitled An act relating to public officers and employees; amending s. 111.07, Florida Statutes, broadening current authorization with respect to the defense of public officers and employees in criminal or civil actions arising out of the officer's or employee's acts done in the scope of em-

ployment; providing exceptions; authorizing the Department of Legal Affairs to provide defense with respect to actions in Federal Court; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Civil and Governmental Operations.

By Representative Moore and others—

HB 419—A bill to be entitled An act relating to the Environmental Protection Act of 1971; creating part VI of chapter 403, Florida Statutes; redesignating s. 403.412, Florida Statutes, as s. 403.90, Florida Statutes, and amending said section to provide for either declaratory or equitable relief; providing for judicial procedure; amending section 403.091, Florida Statutes, providing for exceptions; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Civil and Natural Resources and Conservation.

By the Committee on Commerce and Representative Hutto and others—

CS for HB 2631—A bill to be entitled An act relating to unemployment compensation; creating s. 443.075, Florida Statutes, authorizing self-employed business owners to contribute and receive benefits under the unemployment compensation law under certain circumstances; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed as amended—

HB 3411 **HB 881(cs)** **HB 3075**
CS for HB 2515

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Moffitt—

HB 3411—A bill to be entitled An act relating to mobile home dealers; amending s. 320.77(11), Florida Statutes, providing for the form of mobile home dealers' bonds; providing for the protection of retail consumers who purchase mobile homes or recreational vehicles not for resale; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By the Committee on Health & Rehabilitative Services and Representative Hazelton—

CS for HB 2515—A bill to be entitled An act relating to escapes; requiring notification of certain persons whenever any involuntarily committed mentally disordered person escapes from any state institution; amending s. 843.10, Florida Statutes, providing a penalty with respect to any jailer or other officer who, through negligence, permits any person in custody to escape; amending s. 843.13, Florida Statutes, providing a penalty for aiding or assisting any person to escape from any state or county school, institution or other facility for juveniles; amending s. 944.40, Florida Statutes, broadening the applicability of the penalty for escaping to include any person who is confined by court commitment in any prison, jail, road camp or other institution; amending s. 944.46, Florida Statutes, providing a penalty for harboring, concealing, maintaining or assisting any person committed or confined by the courts after his escape from any state, county or municipal institution; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services and Judiciary-Criminal.

By the Committee on Commerce and Representative Steinberg—

HB 881 (cs)—A bill to be entitled An act relating to land sales; amending section 478.23(1), Florida Statutes, deleting the

90 day refund privilege applicable to long distance telephone land solicitations; providing a ten day unconditional refund privilege and a six month inspection refund privilege regardless of method of solicitation; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Representatives Mixson and Rude—

HB 3075—A bill to be entitled An act relating to pollution control; amending s. 403.031(4), Florida Statutes; providing an exemption from the definition of "contaminant"; amending s. 403.121(2)(a), Florida Statutes; exempting certain persons from administrative proceedings to establish liability for pollution damage; providing an effective date.

—was read the first time by title and referred to the Committees on Agriculture and Natural Resources and Conservation.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed as amended—

HB 3120 **HB 2367** **CS for HB 3852**
HB 3368

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Grosse and Clem—

HB 3120—A bill to be entitled An act relating to corrections; amending s. 944.27(1), Florida Statutes, providing that gain-time deductions shall be granted on a monthly basis as earned, which had been the original intent of the Legislature; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Criminal.

By Representative Culbreath—

HB 3368—A bill to be entitled An act relating to real estate licensing; amending s. 475.131, Florida Statutes, to provide that no manager of a residential apartment building or complex shall be required to be licensed under the provisions of chapter 475, Florida Statutes, with regard to leasing or renting of individual apartment units; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Representative Harrington and others—

HB 2367—A bill to be entitled An act relating to hospitals; creating s. 395.21, Florida Statutes, requiring licensed hospitals to offer a uterine cytologic examination for cancer to certain female patients unless contraindicated or refused; requiring each hospital to maintain certain records; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services and Commerce.

By the Committee on Regulated Industries & Licensing and Representative Neal and others—

CS for HB 3852—A bill to be entitled An act relating to legislative review of programs and functions which regulate a profession, occupation, business, industry and other endeavor; repealing various chapters and sections of the Florida Statutes, relating to such programs and functions; providing for periodic legislative review, modification and reestablishment of such programs, and functions; providing criteria for determining reestablishment; providing for abolishment of units and subunits of government; providing for appointment of a select joint committee; preserving causes of action by or against abolished units of government; providing for severability; providing an effective date.

—was read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator Firestone—

SB 1204—A bill to be entitled An act relating to state parks and preserves; adding paragraph (c) to s. 258.165(4), Florida Statutes; prohibiting the use of seines or nets within the Biscayne Bay Aquatic Preserve; providing exceptions; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 12, after the colon (;) insert: Section 1. Subsection (27) of section 258.39, Florida Statutes, is amended to read:

258.39 Boundaries of preserves.—The submerged lands included within the boundaries of Nassau, Duval, St. Johns, Flagler, Volusia, Brevard, Indian River, St. Lucie, Charlotte, Pinellas, Martin, Palm Beach, Broward, Dade, Monroe, Collier, Lee, Citrus, Franklin, Gulf, Bay, Okaloosa, Santa Rosa, and Escambia Counties, as hereinafter described, with the exception of privately held submerged lands lying landward of established bulkheads and of privately held submerged lands within Monroe County where the establishment of bulkhead lines are not required are hereby declared to be aquatic preserves. Such aquatic preserve areas include:

(27) Pinellas County Aquatic Preserve, as established by Chapter 72-663, Laws of Florida, and Boca Ciega Aquatic Preserve, as established by s. 258.16 and the Biscayne Bay Aquatic Preserve, as established by s. 258.165. If any provision of this act is in conflict with the aquatic preserves established by s. 258.16, and chapter 72-663, Laws of Florida, or s. 258.165, the stronger provision for the maintenance of the aquatic preserve shall prevail.

(renumber subsequent sections)

Amendment 2—On page 1 in title, line 9, after the semi-colon (;) insert: amending s. 258.39(27), Florida Statutes; providing that if the provisions of law establishing the Biscayne Bay Aquatic Preserve are in conflict with provisions of the Florida Aquatic Preserve Act of 1975, the stronger provisions shall prevail;

Amendment 3—On page 1, line 23, insert: Section 2. Subsection (7) is added to section 258.16, Florida Statutes, to read:

(7) Inasmuch as Pinellas County was declared to be an aquatic preserve in chapter 72-663, Laws of Florida, as amended by chapter 74-558, Laws of Florida, it is the intent of the Legislature to preserve the bait fish within its territorial waters. Therefore, no person may take or attempt to take thread herring, hairy backs, greenbacks, or other sardine-like fish within the territorial waters of Pinellas County or within three marine leagues of any point on the Gulf of Mexico shoreline of Pinellas County for any purpose with a purse seine, purse gill net, lampara net, or any other similar net or device using rings on the lead line thereof. For the purposes of enforcement, it shall be unlawful to possess any such fish as described in this subsection for sale, shipment, reduction or any other purpose. Any person violating the provisions of this subsection is guilty of a misdemeanor of the first degree and shall be punished as provided by law.

(renumber subsequent section)

Amendment 4—On page 1 in title, line 5, after the semi-colon (;) insert: adding subsection (7) to s. 258.16, Florida Statutes, prohibiting the use of purse seines or nets within Pinellas County; providing a penalty;

On motions by Senator Firestone, the Senate concurred in the House amendments 1, 2, 3 and 4 to SB 1204.

SB 1204 passed as amended by the House amendments, and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

Mr. President	Graham	Myers	Thomas, J.
Brantley	Henderson	Plante	Thomas, P.
Childers, D.	Holloway	Poston	Tobiassen
Deeb	Johnston	Renick	Vogt
Dunn	Lane, D.	Saunders	Ware
Firestone	Lane, J.	Sayler	Wilson
Gallen	Lewis	Scarborough	Winn
Glisson	MacKay	Sims	Zinkil
Gordon	McClain	Stolzenburg	

Nays—None

Votes after roll call:

Yeas—Childers, W. D., Hair and Spicola

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed with amendment—

By the Committee on Governmental Operations and Senator Myers and others—

CS for SB 1156—A bill to be entitled An act relating to legislative review of programs and functions which regulate a profession, occupation, business, industry and other endeavor; repealing various chapters and sections of the Florida Statutes, relating to such programs and functions; providing for periodic legislative review, modification and reestablishment of such programs, and functions; providing criteria for determining reestablishment; providing for abolishment of units and subunits of government; providing for appointment of a select joint committee; preserving causes of action by or against abolished units of government; providing for severability; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 4, line 13, strike lines 13-16 and 21-22 and reletter subsequent paragraphs

On motion by Senator Myers, the Senate concurred in the House amendment 1 to CS for SB 1156.

CS for SB 1156 passed as amended by the House amendment, and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Mr. President	Graham	Peterson	Thomas, P.
Brantley	Hair	Poston	Trask
Childers, D.	Henderson	Renick	Vogt
Childers, W. D.	Holloway	Sayler	Ware
Dunn	Johnston	Scarborough	Wilson
Firestone	Lane, D.	Sims	Winn
Gallen	Lewis	Spicola	Zinkil
Glisson	MacKay	Stolzenburg	
Gordon	Myers	Thomas, J.	

Nays—None

Vote after roll call:

Yea—Tobiassen

The bill was ordered engrossed and then enrolled.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed HB 4187 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Judiciary and Representative Rish—

HB 4187—A bill to be entitled An act relating to medical practice; amending s. 458.055, Florida Statutes, relating to the granting of temporary licenses to certain physicians for practice in areas of critical need; providing an effective date.

—was read the first time by title. On motion by Senator Myers, the rules were waived and the bill was placed on the calendar.

On motions by Senator Myers, by unanimous consent HB 4187 was taken up out of order and by two-thirds vote read the second time by title. On motion by Senator Myers, by two-thirds vote HB 4187 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Graham	Myers	Thomas, P.
Brantley	Hair	Peterson	Trask
Childers, D.	Henderson	Poston	Vogt
Childers, W. D.	Holloway	Renick	Ware
Deeb	Johnston	Saylor	Wilson
Dunn	Lane, D.	Scarborough	Winn
Firestone	Lane, J.	Sims	Zinkil
Gallen	Lewis	Spicola	
Glisson	MacKay	Stolzenburg	
Gordon	McClain	Thomas, J.	

Nays—None

Vote after roll call:

Yea—Tobiassen

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator Ware—

SB 1000—A bill to be entitled An act relating to group insurance for public officers, employees and retired public officers and employees; amending s. 112.075(1)(b), (2), (3)(b), (5), (6), (7)(a), (e), Florida Statutes; authorizing part-time employees and retirees to participate in the state group insurance program at their own expense; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 4, line 3, insert: *Section 2. Every county, municipality, or district school board in the state which provides life, health, accident, hospitalization, or annuity insurance, or all of any kinds of such insurance, for the officers and employees thereof, upon a group insurance plan is hereby authorized to allow retired former personnel the option of continuing to participate in such group insurance plans, provided that the cost of any such continued participation in any such group insurance plan shall be entirely paid for by the retired employee.*

And renumber all subsequent sections.

Amendment 2—On page 1 in title, line 10, insert: after “expense;” *authorizing certain governmental units which provide group insurance plans for employees to extend such coverage to retired employees under certain circumstances;*

On motions by Senator Ware, the Senate concurred in House amendments 1 and 2 to SB 1000.

SB 1000 passed as amended by the House amendments, and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

Mr. President	Henderson	Peterson	Thomas, J.
Brantley	Holloway	Plante	Thomas, P.
Childers, D.	Johnston	Poston	Trask
Childers, W. D.	Lane, D.	Saylor	Vogt
Firestone	Lane, J.	Scarborough	Ware
Glisson	Lewis	Sims	Wilson
Gordon	MacKay	Spicola	Winn
Graham	Myers	Stolzenburg	Zinkil

Nays—None

Votes after roll call:

Yeas—Hair and Tobiassen

The bill was ordered engrossed and then enrolled.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has refused to recede from House Amendment 1, has amended House amendment 1 and passed as further amendment—

By the Committee on Education and Senator Peterson and others—

CS for SB 575—A bill to be entitled An act relating to student conduct and discipline; adding s. 228.041(26)-(29), Florida Statutes; providing definitions; amending s. 230.23(6)(c), Florida Statutes, and adding paragraph (d) to said subsection; requiring the school board to develop a code of student conduct and requiring such code be made available to certain persons; providing for the procedure in expulsion in hearings; amending s. 230.33(8)(c), Florida Statutes; requiring the superintendent to notify the pupil and his parent or guardian of recommendation for expulsion; amending ss. 232.26(1), 232.27, Florida Statutes; providing for the authority of principals and teachers in the control and discipline of students; creating s. 232.275, Florida Statutes; providing that certain persons are not liable for disciplinary actions; providing an exception; amending s. 230.234, Florida Statutes; authorizing the district school board to provide legal services and costs to certain persons against whom a civil action or criminal action is brought; adding s. 39.03(1)(g), Florida Statutes; authorizing a law enforcement officer to take a child into custody, for the purpose of delivering the child to the school system, when such officer has reasonable ground to believe that the child is truant; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 6, strike everything after the enacting clause and insert: *Section 1. Short title.—This act shall be known and may be cited as the “Student Responsibilities and Discipline Act of 1976.”*

Section 2. Legislative intent.—It is the intent of the Legislature that school personnel shall enforce and students shall observe standards of conduct in school conducive to learning. Behavior which is disruptive of the common goals and teaching objectives of the public school system shall be prohibited. It is further intended that all necessary disciplinary measures shall be taken and that reasonable due process procedures shall be followed.

Section 3. Definitions.—As used in this act, unless the context clearly requires otherwise:

(1) “Suspension” means the temporary removal of a student from his regular school program for a period of not more than 10 school days.

(2) “Expulsion” means the removal of the right and obligation of a student to attend a public school for the remainder of that term or school year.

Section 4. Paragraph (c) of subsection (6) of section 230.23, Florida Statutes, is amended and paragraph (d) is added to said subsection to read:

230.23 Powers and duties of school board.—The school board, acting as a board, shall exercise all powers and perform all duties listed below:

(6) **CHILD WELFARE.**—Provide for the proper accounting for all children of school age, for the attendance and control of pupils at school, for proper attention to health, safety, and other matters relating to the welfare of children in the following fields, as prescribed in chapter 232.

(c) **Control of pupils.**—Adopt rules and regulations for the control, discipline, and suspension, and expulsion of pupils and decide all cases recommended for ~~expulsion~~ ~~dismissal~~.

(d) **Code of student conduct.**—Make available to all school personnel, students, and parents or guardians, at the beginning of the 1977-78 school year and every year thereafter, a code of student conduct developed by teachers and other school person-

nel, students, and parents or guardians. Such a code shall be based upon rules governing student conduct and discipline promulgated by the district school board and may be articulated at the school level in the student handbook or similar publication. The code shall include, but not be limited to, specific grounds for disciplinary action, procedures that will be followed for acts requiring discipline, and an explanation of the responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules for conduct, the right to learn, free speech and student publications, assembly, privacy, and participation in school programs and activities.

Section 5. Paragraph (c) of subsection (8) of section 230.33, Florida Statutes, is amended to read:

230.33 Duties and responsibilities of superintendent.—The superintendent shall exercise all powers and perform all duties listed below and elsewhere in the law; provided, that in so doing he shall advise and counsel with the school board. The recommendations, nominations, proposals and reports required by law and regulation to be made to the school board by the superintendent shall be either recorded in the minutes or shall be made in writing, noted in the minutes and filed in the public records of the board. It shall be presumed that, in the absence of the record required in this paragraph, the recommendations, nominations and proposals required of the superintendents were not contrary to the action taken by the school board in such matters.

(8) CHILD WELFARE.—Recommend plans to the school board for the proper accounting for all children of school age, for the attendance and control of pupils at school, for the proper attention to health, safety, and other matters which will best promote the welfare of children in the following fields, as prescribed in chapter 232:

(c) Control of pupils.—Propose rules and regulations for the proper control, discipline, and suspension, and expulsion of pupils and review and may modify recommendations for suspension and expulsion of pupils and transmit to the school board for action recommendations for expulsion ~~dismissal~~ of pupils. When the superintendent makes a recommendation for expulsion to the district school board, he shall notify the pupil and his parent or guardian in writing of the recommendation, setting forth the charges against the pupil and advising the pupil and his parent or guardian of his right to due process as prescribed by chapter 120. When school board action on a recommendation for the expulsion ~~dismissal~~ of a pupil is pending, the superintendent may extend the suspension assigned by the principal beyond 10 school days if such suspension period expires before the next regular or special meeting of the school board.

Section 6. Subsection (1) of section 232.26, Florida Statutes, is amended to read:

(Substantial rewording of subsection. See s. 232.26(1), F.S., for present text.)

232.26 Authority of principal.—

(1)(a) Subject to law and rules of the district school board, the principal or his designated representative in charge of a school shall develop policies by which he may delegate to other school personnel such responsibility for the control and direction of students as he may consider desirable.

(b) The principal or his designated representative shall suspend a student in accordance with the rules of the district school board; however, each such suspension shall immediately be reported in writing, with the reasons therefor, to the parent or guardian and to the superintendent. No student who is required by law to attend school shall be suspended for unexcused absence or truancy. The principal or his designated representative may suspend any student transported to or from school at the public expense from the privilege of riding on a school bus, giving immediate notice in writing to the parent or guardian and to the superintendent. School personnel shall not be held criminally or civilly liable for suspensions, expulsions or discipline of students made in good faith.

(c) The principal or his designated representative may recommend to the superintendent expulsion for any student who has committed a serious breach of conduct including, but not limited to, violence against persons or property or any other act which substantially disrupts the orderly conduct of the school. Any recommendation of expulsion shall include a detailed report by the principal or his designated representative on the alternative measures taken prior to the recommendation of expulsion.

(d) The principal or his designated representative shall include an analysis of suspensions and expulsions in the annual report of school progress.

Section 7. Section 232.27, Florida Statutes, is amended to read:

232.27 Authority of teacher.—Subject to law and rules of the district school board each teacher or other member of the staff of any school shall have ~~assume~~ such authority for the control and discipline of pupils as may be assigned to him by the principal or his designated representative and shall keep good order in the classroom and in other places in which he is assigned to be in charge of pupils. If the teacher feels that corporal punishment should be inflicted upon a pupil, he shall refer the pupil to the principal or his designated representative who may administer this punishment. A teacher shall not inflict corporal punishment except upon prior approval of, and in the presence of, the principal or his designated representative, ~~but he shall not inflict corporal punishment before consulting the principal or teacher in charge of the school, and~~ In no case shall such punishment be degrading or unduly severe in its nature. Under no circumstances may a teacher (except of a one-teacher school) suspend a pupil from school ~~or class~~. No teacher shall be held criminally or civilly liable for discipline of a pupil or recommendation of suspension made in good faith.

Section 8. This act shall take effect September 1, 1977.

Amendment 1 to Amendment 1—On page 5, line 10, after the period (.) insert: (e) Unless the District School Board has a contrary rule, where the classroom teacher has been designated as the representative of the principal, the teacher may administer corporal punishment without obtaining prior approval for a specific act of misconduct for which the teacher may need to discipline the student immediately and without an accompanying witness or the principal.

On motion by Senator Peterson, the Senate refused to concur in the House amendments to CS for SB 575, and requested the House to recede, and in the event the House refused to recede a conference committee was requested.

The action of the Senate was certified to the House.

Senator Gallen presiding

SPECIAL ORDER

SB 1274—A bill to be entitled An act relating to water resources; amending s. 373.069(3), Florida Statutes; transferring certain areas within certain water management districts to other water management districts; revising the boundaries of certain water management districts; creating s. 373.0691, Florida Statutes; providing for the assumption, by the district receiving the transferred area, of all contractual obligations with respect to a transferred area; providing for the transfer, to the district receiving the transferred area, of all property interests therein, and of all equipment, vehicles, and other personal property and records owned, located and used by a district solely within a transferred area; amending s. 373.0693(1), (6), Florida Statutes and adding subsection (7) to said section; authorizing each water management district governing board to change the boundaries of basins within its district; providing for the formation of the Manasota Basin; amending s. 373.0697, Florida Statutes; authorizing basin ad valorem taxes; amending s. 373.073, Florida Statutes; providing for the appointment of members of the governing board of a water management district; providing residence requirements for members of the governing board of the Southwest Florida Water Management District; amending s. 373.109, Florida Statutes; requiring the Department of Environmental Regulation to authorize water management districts to establish permit application fees based on costs; exempting governmental entities from such fees; amending s. 373.171(1), (2), (5), Florida Statutes; authorizing governing boards to regulate, and establish rules concerning, the use of water; creating s. 373.217, Florida Statutes; providing that Part II of the Florida Water Resources Act of 1972 provides the exclusive authority for requiring permits for the consumptive use of water and authorizing transportation thereof; amending s. 373.223(2), Florida Statutes; providing that the governing board or the department may authorize a consumptive use permit holder to transport and use ground or surface water across county boundaries; amending s. 373.229(3), Florida Statutes; changing hear-

ing requirements for consumptive use permits; amending s. 373.503(2), (3), Florida Statutes; authorizing and prescribing the manner of taxation within the districts; amending s. 373.506, Florida Statutes; authorizing the district board to borrow money to pay the expenses of operation or to meet emergencies; providing for the assumption of certain contractual obligations of the Southwest Florida Water Management District by the St. Johns River Water Management District; repealing sections 3, 14, Ch. 61-691, Laws of Florida, relating to the organization and membership of the Southwest Florida Water Management District governing board and to the boundaries of such district; repealing s. 373.509, Florida Statutes, which subjects land within water management districts to taxes, based on the benefits derived from the works of the district; repealing s. 373.513, Florida Statutes, which provides for the determination of such benefit by the district board; repealing s. 373.519, Florida Statutes, which provides a hearing for any landowner in the district objecting to the determination of benefits by the board; repealing s. 373.523, Florida Statutes, which provides for consideration of such objections by the district board; repealing s. 373.526, Florida Statutes, relating to court review procedures; repealing s. 373.529, Florida Statutes, which provides for the determination by the district board of the proportion of total benefits to be used to determine the tax rate to apply in arriving at the amount of tax; repealing s. 373.533, Florida Statutes, which provides for readjustment of benefits; repealing s. 373.549, Florida Statutes, which provides for extension of district boundaries; repealing s. 373.606, Florida Statutes, which authorizes the creation of subdistricts within major districts; providing an effective date.

—was taken up with pending Amendment 5.

Senators Spicola, MacKay and Lewis offered the following substitute amendment for Amendment 5 which was moved by Senator Spicola:

Amendment 9—On page 22, line 18, after the period (.) insert: *The members of the governing board of the Manasota Watershed Basin of the Ridge and Lower Gulf Coast Water Management District shall become members of the governing board of the Manasota Basin of the Southwest Florida Water Management District.*

(8) *At 11:59 p.m. on December 31, 1976, the area being transferred from the Southwest Florida Water Management District to the St. Johns River Water Management District by change of boundaries pursuant to this act, shall be formed into a subdistrict or basin of the St. Johns River Water Management District. Such basin shall be designated as the Oklawaha River Basin. The members of the governing board of the Oklawaha River Basin of the Southwest Florida Water Management District shall become the members of the governing board of the newly formed basin. The governing board of the St. Johns River Water Management District may change the boundaries but may not abolish the basin.*

(9) *At 11:59 p.m. on December 31, 1976, the entire area of the St. Johns River Water Management District including all areas being annexed into the district pursuant to this act, but less those areas in the Oklawaha Basin, shall be formed into a subdistrict or basin of the St. Johns River Water Management District. Such area shall be designated as the St. Johns Basin.*

(a) *The governing board of the St. Johns River Water Management District shall also serve as the governing board of the St. Johns Basin.*

(b) *The governing board of the St. Johns River Water Management District may change the boundaries of the St. Johns Basin or may subdivide the basin into smaller basins to be governed by the basin boards to be appointed by the Governor and subject to confirmation by the Senate as provided in subsection (4).*

(10) *At 11:59 p.m. on December 31, 1976, a portion of the Big Cypress Basin of the Ridge and Lower Gulf Coast District which is being annexed into the South Florida Water Management District by change of boundaries pursuant to this act, shall be formed into a subdistrict or basin of the South Florida Water Management District. Such portion shall be designated as the Big Cypress Basin. On or before December 31, 1976, the Governor shall appoint not fewer than five persons residing in the area to serve as members of the governing board of the basin, effective at the time of transfer and subject to confirmation by the Senate as provided in subsection (4).*

(a) *The initial boundaries of the Big Cypress Basin shall be established by resolution of the governing board of Central and Southern Florida Flood Control District after notice and hearing and generally shall encompass the Big Cypress Swamp and southwestern coastal area hydrologic cataloging unit as indicated on River Basin and Hydrologic Unit Map of Florida—1975, Florida Department of Natural Resources, Bureau of Geology map series no. 72.*

(b) *If the governing board shall fail to establish the initial boundaries on or before December 31, 1976, the initial boundaries shall be the same boundaries as described for the Big Cypress Basin of the Ridge and Lower Gulf Coast District.*

(c) *The governing board of the South Florida Water Management District subsequently may change the boundaries of the basin but may not abolish the basin.*

(11) *At 11:59 p.m. on December 31, 1976, the entire area of the South Florida Water Management District including all areas being annexed into the district pursuant to this act, but less those areas in the Ridge Basin and in the Big Cypress Basin, shall be formed into a subdistrict or basin of the South Florida Water Management District. Such area shall be designated as the Okeechobee Basin.*

(a) *The governing board of the South Florida Water Management District shall also serve as the governing board of the Okeechobee Basin.*

(b) *The governing board of the South Florida Water Management District may change the boundaries of the Okeechobee Basin or may subdivide the basin into smaller basins to be governed by basin boards to be appointed by the Governor and subject to confirmation by the Senate as provided in subsection (4).*

(c) *The local effort required in connection with construction, operation and maintenance of the cooperative federal project, referred to as the Central and Southern Florida Flood Control Project, which remains after the upper St. Johns portion is transferred to the St. Johns River Water Management District, shall be funded by tax levies on all taxable property within the Okeechobee Basin. In the event the Okeechobee Basin is subdivided into smaller basins, as authorized in paragraph (b), the governing board shall ascertain the equitable pro rata share for each smaller basin and charge back such share so as to insure that the portion of the Central and Southern Florida Flood Control Project remaining in the South Florida Water Management District shall continue to be funded on an equal basis throughout the entire Okeechobee Basin as initially described on December 31, 1976.*

Section 4. Transitional provisions.—

(1) *It is the intent of the Legislature to make the transfer of areas, and concomitant transfer of duties, responsibilities, assets and related matters, as smooth and equitable as possible, preserving continuity wherever possible and desirable.*

(2) *As soon as practical the governor shall designate one member of the governing board of the Ridge and Lower Gulf Coast Water Management District who resides within the Manasota Basin which is to be transferred to the Southwest Florida Water Management District to serve ex officio as a voting member of the Southwest Florida Water Management District, subject to all the rights, privileges, duties and responsibilities of other board members, while continuing to serve as a member of the governing board of the Ridge and Lower Gulf Coast Water Management District. Such designee shall serve in this dual capacity until December 31, 1976, at which time his membership on the governing board of the Ridge and Lower Gulf Coast Water Management District shall terminate, but he shall continue to serve as a member of the governing board of the Southwest Florida Water Management District until July, 1978. Such member shall be in addition to the nine regular governing board members.*

(3) *As soon as practical the governor shall designate one member of the governing board of the Southwest Florida Water Management District who resides within the area to be transferred to the St. Johns River Water Management District to serve ex officio as a voting member of the St. Johns River Water Management District, subject to all the rights, privileges, duties and responsibilities of other board members, while continuing to serve as a member of the governing board of the Southwest Florida Water Management District. Such designee shall serve*

in this dual capacity until December 31, 1976, at which time his membership on the governing board of the Southwest Florida Water Management District shall terminate, but he shall continue to serve as a member of the governing board of the St. Johns River Water Management District until July, 1979. Such member shall be in addition to the nine regular governing board members.

(4) As soon as practical the governor shall designate one member of the governing board of the Ridge and Lower Gulf Coast Water Management District who resides within the area to be transferred to the Central and Southern Florida Flood Control District to serve ex officio as a voting member of the Central and Southern Florida Flood Control District, subject to all the rights, privileges, duties and responsibilities of other board members, while continuing to serve as a member of the governing board of the Ridge and Lower Gulf Coast Water Management District. Such designee shall serve in this dual capacity until December 31, 1976, at which time his membership on the governing board of the Ridge and Lower Gulf Coast Water Management District shall terminate, but he shall continue to serve as a member of the governing board of the receiving water management district until July, 1979. Such member shall be in addition to the nine regular governing board members.

(5) As soon as practical the governor shall appoint one member of the governing board of the Central and Southern Florida Flood Control District who resides within the area to be transferred to the St. Johns River Water Management District, to serve ex officio as a voting member of the St. Johns River Water Management District, subject to all the rights, privileges, duties and responsibilities of other board members, while continuing to serve as a member of the governing board of the Central and Southern Florida Flood Control District. Such member shall serve in this dual capacity until December 31, 1976, at which time his membership on the governing board of the Central and Southern Florida Flood Control District shall terminate, but he shall continue to serve as a member of the governing board of the St. Johns River Water Management District until July, 1979. Such member shall be in addition to the nine regular governing board members of each board.

Renumber successive sections consecutively.

Senator Graham moved the following amendment to Amendment 9 which failed:

Amendment 9A—On page 3, strike page 3, lines 19-24 and re letter.

The President presiding

Amendment 9 was adopted.

Senators Vogt and Spicola offered the following amendment which was moved by Senator Vogt and adopted:

Amendment 10—On page 3, lines 4 through 16, strike all of lines 4 through 16 and insert: b. One member shall reside in the area generally designated as the "St. Johns River Basin below Oklawaha River—Coastal area between the St. Johns River and Ponce de Leon Inlet" hydrologic units.

c. One member shall reside in the area generally designated as the "Oklawaha River Basin" hydrologic unit.

d. One member shall reside in the area generally designated as the "St. Johns River Basin above the Oklawaha River" hydrologic unit.

e. One member shall reside in the area generally designated as the "Coastal area between Ponce de Leon Inlet and Sebastian Inlet—Coastal area Sebastian Inlet to St. Lucie River" hydrologic units.

Senator Johnston moved the following amendment which failed:

Amendment 11—On page 5, strike lines 25 and 26 and insert: serve as a member of the governing board of the receiving water management district until December 31, 1977. Such member shall be in addition to the nine regular

Amendment 7, which was deferred May 31, was offered by Senators Trask, Peterson and Gallen and moved by Senator Trask and adopted:

Amendment 7—On page 17, lines 23-31, and on page 18, lines 1-19 strike all of the above and insert: *along the Highlands-Hardee County line to the northwest corner of Township 36 South, Range 28 East, thence east along the north boundary of Township 36 South, Ranges 28 and 29 East, to the northeast corner of Township 36 South, Range 29 East, thence north along the range line between Ranges 29 and 30 East, through Townships 35, 34, and 33 South, to the northwest corner of Township 33 South, Range 30 East, being on the Highlands-Polk County line, thence west along the Highlands-Polk County line to the southwest corner of Township 32 South, Range 29 East, thence north along the range line between Ranges 28 and 29 East, in Townships 32, 31, 30, and 29 South, to the northwest corner of Section 30 in Township 29 South, Range 29 East, thence west along the south boundaries of Sections 24, 23, 22, 21, 20, and 19 in Township 29 South, Range 28 East, to the southwest corner of said Section 19, thence north along the range line between Ranges 27 and 28 East, through Townships 29 and 28 South, to the northwest corner of Township 28 South, Range 28 East, thence east along the north boundary of Township 28 South, Range 28 East, to the southwest corner of Township 27 South, Range 28 East, thence north along the range line between Ranges 27 and 28 East to the intersection of said range line with Lake Marion, thence following the west shore of Lake Marion to its intersection again with the range line between Ranges 27 and 28 East, thence north along said range line, in Townships 27 and 26 South, to the northwest corner of Township 26 South, Range 28 East, being on the Polk-Osceola County line, thence west along the Polk-Osceola County line to the southwest corner of Township 25 South, Range 27 East, thence northerly along the range*

Senator Spicola moved the following amendments which were adopted:

Amendment 12—On page 25, line 4, after "General", strike: "of" and insert: or

Amendment 13—On page 21, lines 19 and 20, strike a new subsection (7) is added and insert: new subsections (8), (9), (10) and (11) are added

Senators Spicola, MacKay and Lewis offered the following amendment which was moved by Senator Spicola and adopted:

Amendment 14—On page 31, on line 24 strike "0.2" and insert: 0.375, on line 26 strike "0.25" and insert: 1.0 mill; on line 27 strike all of line 27, on line 28 strike "0.65" and insert: 0.80 and on line 30 insert: *The maximum millage assessed for district purposes shall not exceed 25 percent of the total authorized millage when there are one or more basins in a district and the maximum millage assessed for basin purposes shall not exceed 75 percent of the total authorized millage.*

Section 12. Assistance to West Coast Regional Water Supply Authority.—

(1) In lieu of the provisions in s. 373.1962(2)(a) the Southwest Florida Water Management District shall assist the West Coast Regional Water Supply Authority for a period of five years, terminating December 31, 1981 by levying an ad valorem tax, upon request of the authority, of not more than 0.05 mill on all taxable property within the limits of the authority. During such period the corresponding basin board ad valorem tax levies shall be reduced accordingly.

(2) The authority shall prepare its annual budget in the same manner as prescribed for the preparation of basin budgets but such authority budget shall not be subject to review by the respective basin boards or by the governing board of the district.

(3) The annual millage for the authority shall be the amount required to raise the amount called for by the annual budget when applied to the total assessment on all taxable property within the limits of the authority as determined for county taxing purposes.

(4) The authority may, by resolution, request the governing board of the district to levy ad valorem taxes within the boundaries of the authority. Upon receipt of such request, to-

gether with formal certification of the adoption of its annual budget and of the required tax levy, the authority tax levy shall be made by the governing board of the district to finance authority functions.

(5) The taxes provided for in this section shall be extended by the property appraiser on the county tax roll in each county within or partly within the authority boundaries and shall be collected by the tax collector in the same manner and time as county taxes and the proceeds therefrom paid to the district which shall forthwith be paid over to the authority. Such taxes shall be a lien until paid on the property against which assessed, and enforceable in like manner as county taxes. The property appraisers, tax collectors and clerks of the circuit court of the respective counties shall be entitled to compensation for services performed in connection with such taxes at the same rates as apply to county taxes.

(6) The governing board of the district shall not be responsible for any actions or lack of actions by the authority.

Section 13. Subsection (6) of section 373.1961, Florida Statutes, is amended to read:

373.1961 Water Production.—In the performance of and in conjunction with, its other powers and duties, the governing board of a water management district existing pursuant to chapter 373:

(6) May provide water and financial assistance to regional water supply authorities, but may not provide water to counties and municipalities which are located within the area of such authority without the specific approval of the authority or, in the event of the authority's disapproval, the approval of the governor and cabinet sitting as the Land and Water Adjudicatory Commission. The district may supply water at rates and upon terms mutually agreed to by the parties or, if they do not agree, as set by the governing board and specifically approved by the governor and cabinet sitting as the Land and Water Adjudicatory Commission.

Renumber successive sections consecutively.

Senator Johnston moved the following amendment which failed:

Amendment 15—On page 3, strike lines 21 through 33 and insert: *a. Two members shall reside in an area composed of Dade and Monroe County.*

b. Two members shall reside in an area composed of Broward, Palm Beach, Martin and St. Lucie Counties.

c. Two members shall reside in an area composed of Highlands, Okeechobee, Polk, Orange, and Osceola Counties.

d. Two members shall reside in an area composed of Collier, Charlotte, Hendry, Glades, and Lee Counties.

e. One member appointed at large.

The vote was:

Yeas—18

Mr. President	Gallen	Plante	Trask
Brantley	Glisson	Saunders	Vogt
Childers, D.	Hair	Sims	Wilson
Childers, W. D.	Johnston	Thomas, P.	
Dunn	Lewis	Tobiassen	

Nays—20

Deeb	Holloway	Myers	Stolzenburg
Firestone	Lane, D.	Poston	Thomas, J.
Gordon	Lane, J.	Renick	Ware
Graham	MacKay	Sayler	Winn
Henderson	McClain	Spicola	Zinkil

Senators MacKay and Spicola offered the following amendment which was moved by Senator MacKay and adopted:

Amendment 16—On page 30, line 14, strike "(2)" and insert:

(2)(a)(2) The legislature declares that the millage authorized for water management purposes by s. 9(b), Art. VII

of the State Constitution shall be levied only by the water management districts set forth in chapter 373 and intends by this section to prevent any laws which would allow other units of government to levy any portion of said millage; provided, however, that this does not preclude such units of government from financing and engaging in water management programs if otherwise authorized by law.

(b) Pursuant to s. 11(a) (21), Art. III of the state constitution, the legislature hereby prohibits special laws or general laws of local application pertaining to the allocation of any portion of the millage authorized for water management purposes by s. 9(b), Art. VII of the state constitution to any unit of government other than those districts established by chapter 373.

(c)

Senator Dunn moved the following amendments which were adopted:

Amendment 17—On page 24, strike lines 6-8 and insert: *within the district. The term of office of members of the board shall be four years; provided, however, that four of the members composing each of the*

Amendment 18—On page 26, strike lines 7-10 and insert: *by the Governor, subject to confirmation by the Senate.*

Senators Ware, Spicola and Sayler offered the following amendment which was moved by Senator Ware and adopted:

Amendment 19—On page 32, between lines 25 and 26, insert: *Section 13. Each district and basin referred to in this act shall furnish a detailed copy of its budget and past year's expenditures to the Governor, the Legislature and the governing body of each county in which a district or basin has jurisdiction or derives any funds for the operations of the district or basin. Each district, basin and taxing authority shall make provisions for an annual post-audit and performance audit of its financial accounts and activities in accordance with the rules of the Auditor General promulgated pursuant to F. S. 166.241 and 11.47.*

And renumber subsequent sections.

Senator Spicola moved the following title amendments which were adopted:

Amendment 20—On page 2, line 9, after the semi-colon (;) insert: *amending s. 373.1961, Florida Statutes, relating to providing assistance to water supply authority; directing Southwest Florida Water Management District to assist the West Coast Regional Water Supply Authority;*

Amendment 21—On page 1, lines 30-31, and page 2 line 1 strike "board of the Southwest Florida Water Management District" and insert: *boards*

Amendment 22—On page 1, line 20, strike "subsection (7)" and insert: *subsections*

Amendment 23—On page 1, line 24, strike "Basin" and insert: *, Oklawaha, Big Cypress, St. Johns, and Okeechobee Basins; authorizing designation of transitional board members*

Senator Lewis moved the following amendment which failed:

Amendment 24—On page 3, lines 21 through 33 insert: *at large membership*

The vote was:

Yeas—17

Mr. President	Graham	Plante	Trask
Childers, D.	Henderson	Renick	Vogt
Dunn	Johnston	Saunders	
Gallen	Lewis	Scarborough	
Gordon	Peterson	Sims	

Nays—20

Brantley	Lane, D.	Poston	Thomas, P.
Deeb	Lane, J.	Sayler	Ware
Firestone	MacKay	Spicola	Wilson
Glisson	McClain	Stolzenburg	Winn
Holloway	Myers	Thomas, J.	Zinkil

Senator Spicola moved the following title amendment which was adopted:

Amendment 25—On page 2, lines 2 through 5, strike "requiring the Department of Environmental Regulation to authorize water management districts to establish permit application fees based on costs;"

Senators MacKay and Spicola offered the following title amendment which was moved by Senator Spicola and adopted:

Amendment 26—On page 2, line 25 after the semicolon insert: prohibiting special laws or general laws of local application pertaining to the allocation of any portion of the millage authorized for water management purposes;

Senators Ware, Spicola and Sayler offered the following title amendment which was moved by Senator Spicola and adopted:

Amendment 27—On page 3, line 1, after the semicolon insert: requiring the submission of budgets and expenditures by districts and basins to certain governmental bodies;

On motion by Senator Spicola, SB 1274 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Mr. President	Henderson	Peterson	Stolzenburg
Brantley	Holloway	Plante	Thomas, J.
Childers, D.	Johnston	Poston	Thomas, P.
Deeb	Lane, D.	Renick	Trask
Dunn	Lane, J.	Saunders	Vogt
Firestone	Lewis	Sayler	Ware
Gallen	MacKay	Scarborough	Winn
Gordon	McClain	Sims	Zinkil
Graham	Myers	Spicola	

Nays—2

Glisson	Wilson
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Votes after roll call:

Yea—Hair

Nay—Childers, W.D.

On motion by Senator Poston, the President appointed Senators Poston, Renick and Brantley as a committee to escort Dr. Walter H. Campbell and his entourage of other members of Lions International to the rostrum.

On motion by Senator Poston the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has adopted HCR 3410 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Eckhart and others—

HCR 3410—A concurrent resolution commending Dr. Walter H. Campbell.

—was read the first time in full. On motions by Senator Poston, by two-thirds vote HCR 3410 was placed on the calendar and by two-thirds vote read the second time by title, adopted and certified to the House. The vote on passage was:

Yeas—30

Mr. President	Holloway	Peterson	Thomas, P.
Childers, D.	Johnston	Plante	Trask
Deeb	Lane, D.	Poston	Vogt
Firestone	Lane, J.	Renick	Ware
Gallen	Lewis	Saunders	Wilson
Glisson	MacKay	Sayler	Winn
Graham	McClain	Sims	
Henderson	Myers	Stolzenburg	

Nays—None

Votes after roll call:

Yeas—Childers, W. D., Hair, Spicola and Tobiassen

Dr. Campbell briefly addressed the Senate and the committee previously appointed escorted him and other special guests from the rostrum and the Senate Chamber.

CONSENT CALENDAR

HB 2102—A bill to be entitled An act relating to gambling; amending ss. 849.093(1), (6) and (7) and 849.094(1)(a), Florida Statutes, permitting nonprofit organizations to conduct raffles; providing for certain limitations and filing procedures; providing an effective date.

—was read the second time by title.

Senator Stolzenburg raised a point of order that HB 2102 is unconstitutional as it would permit lotteries which are prohibited by the State Constitution.

The President stated that the constitutionality of the bill could not be determined by the legislature as it is a matter for the courts to determine and on that basis, the chair ruled the point not well taken.

The Committee on Commerce offered the following amendments which were moved by Senator Henderson and adopted:

Amendment 1—On page 3, line 3, add a new section 4 and renumber subsequent section and insert: Section 4. Subsection (3) is added to section 849.16, Florida Statutes, to read:

849.16 "Machines" or "devices" which come within provisions of law defined.—

(3) *Nothing in this chapter shall apply to a coin operated game or device designed and manufactured for bona fide amusement purposes only which may by application of skill entitle the player to replay the game or device at no additional cost if: the game or device can react to no more than 15 free replays; can be discharged of accumulated free replays only by reactivating the game or device for one additional play for each accumulated replay; and can make no permanent record, directly or indirectly, of free replays. However, this subsection shall not apply to any game or device classified by the United States as requiring a federal gaming tax stamp under applicable provisions of the internal revenue code.*

Amendment 2—On page 1, line 8 in title, after the ";" insert: adding subsection (3) to s. 849.16, Florida Statutes, providing that nothing in this section shall apply to certain coin operated games or devices which may entitle the player to free replays;

The President Pro Tempore presiding

On motion by Senator Henderson, by two-thirds vote HB 2102 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—20

Brantley	Henderson	Peterson	Thomas, P.
Childers, W. D.	Lane, D.	Plante	Trask
Gallen	Lane, J.	Scarborough	Vogt
Gordon	MacKay	Sims	Ware
Hair	Myers	Thomas, J.	Wilson

Nays—14

Childers, D.	Graham	McClain	Stolzenburg
Deeb	Holloway	Poston	Zinkil
Dunn	Johnston	Renick	
Firestone	Lewis	Saylor	

Votes after roll call:

Yeas—Glisson and Tobiassen
Nay—Spicola

On motion by Senator Gordon the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed HB 4055 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Health & Rehabilitative Services—

HB 4055—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending s. 20.19(20), Florida Statutes, providing that the date for the repeal of all rules of the department and the publication of new rules shall be October 1, 1977, rather than October 1, 1976; providing an effective date.

—was read the first time by title. On motion by Senator Gordon, the rules were waived and the bill was placed on the Calendar.

Consent Calendar, continued

SB 1322 was taken up and on motions by Senator Gordon, HB 4055, a companion measure to SB 1322 was substituted therefor and by two-thirds vote read the second time by title.

Senator Gordon moved the following amendments which were adopted:

Amendment 1—On page 1, line 14, strike everything after the enacting clause and insert: Section 1. Subsection (9) of section 20.19, Florida Statutes, is amended to read:

20.19(9) Conformity with Federal Statutes and Regulations.

(9) It is the intent of the Legislature that this act shall not conflict with any federal statute or implementing regulation governing federal grant-in-aid programs administered by the department. Whenever such a conflict is asserted by the applicable agency of the Federal Government, the secretary of the department shall submit to the United States Department of Health, Education and Welfare, or other applicable federal agency, a request for a favorable policy response or a waiver of the conflicting portions. If such is denied, as certified in writing by the Secretary of the United States Department of Health, Education and Welfare or head of other applicable federal agency, the secretary of the department is authorized to make such adjustments in the organization and state service plan prescribed by this act which are necessary for conformity to federal statutes and regulations. *Prior to making such adjustments the secretary shall provide to the Speaker of the House of Representatives and the President of the Senate an explanation and justification of the department's position, and shall outline all feasible alternatives consistent with the provisions of this section. These alternatives may include the state supervision of local service agencies by the Department of Health and Rehabilitative Services if such agencies are designated by the Governor. The Governor is hereby authorized to designate local agencies of county governments to provide services pursuant to federally required state plans administered by the Department of Health and Rehabilitative Services. These local agencies shall provide services for and on behalf of the county governments included within the geographic boundaries of the local agency. The Board of Commissioners of each county within the local agency shall annually approve the service plan to be provided by the local service agency. In order to assure co-*

ordination with other health and rehabilitation services provided to citizens within each county, local service agencies, designated by the Governor pursuant to this section, shall correspond to the service districts created pursuant to s. 20.19(4). The District Administrator of each service district shall be designated the head of the local service agency. As head of the local service agency, the District Administrator shall administer the service programs in conformity with statewide policies, procedures and guidelines established by the Department of Health and Rehabilitative Services. The local agency shall administer its program pursuant to a written agreement with the Department of Health and Rehabilitative Services. The written agreement will:

(a) *Indicate that the local agency will conduct its program under the supervision of the Department of Health and Rehabilitative Services in accordance with the State Plan and in compliance with statewide standards as established by the Department, including standards of organization and administration.*

(b) *Set forth the methods to be followed by the Department in its supervision of the local agency, including an evaluation of the effectiveness of the local agency's program;*

(c) *Set forth the basis on which the Department participates financially in its locally administered programs.*

(d) *Indicate whether the local agency will utilize another local public or nonprofit agency in the provision of services and the arrangements for such utilization.*

The local agency shall be responsible for the administration of all aspects of the program within the political subdivisions which it serves. In order to assure uniformity of personnel standards, the local agency shall utilize the state personnel rules and regulations, including provision related to tenure, selection, appointment, and qualifications of personnel.

Section 2. Subsection (20) of section 20.19, Florida Statutes, is amended to read:

20.19 Department of Health and Rehabilitative Services.—There is created a Department of Health and Rehabilitative Services.

(20) All rules of the department in effect or filed with the Department of State prior to July 1, 1975, are repealed effective ~~January October 1, 1977 1976~~, unless sooner repealed, and the department shall publish new rules in accordance with the provisions of chapter 120.

Section 3. This act shall take effect upon becoming a law.

Amendment 2—On page 1 in title, strike lines 6-9 and insert: and s. 20.19(9), Florida Statutes, changing the date for the repeal of all rules of the department and the publication of new rules; providing

On motion by Senator Gordon, by two-thirds vote HB 4055 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Brantley	Hair	Peterson	Trask
Childers, D.	Henderson	Plante	Vogt
Childers, W. D.	Holloway	Poston	Ware
Deeb	Lane, D.	Renick	Wilson
Dunn	Lane, J.	Scarborough	Winn
Firestone	Lewis	Sims	Zinkil
Gallen	MacKay	Stolzenburg	
Gordon	McClain	Thomas, J.	
Graham	Myers	Thomas, P.	

Nays—None

Votes after roll call:

Yeas—Glisson, Spicola and Tobiassen

On motion by Senator Gordon, by two-thirds vote HB 4059 was withdrawn from the Committee on Commerce and placed on the calendar.

SB 1060 was taken up, together with, by the Committee on Commerce and Senator Gordon, CS for SB 1060 which was read the first time by title and SB 1060 was laid on the table.

CS for SB 1060 was taken up and on motion by Senator Gordon—

HB 4059—A bill to be entitled An act relating to insurance; creating s. 627.644, Florida Statutes; prohibiting disability insurers from refusing to provide, or charging unfairly discriminatory rates for, disability coverage for a person solely because he or she is mentally or physically handicapped; not requiring an insurer to provide insurance coverage against a person's handicap which the applicant or policyholder has already sustained; creating s. 627.6576, Florida Statutes, providing for applicability to group, blanket, or franchise disability insurers; providing an effective date.

—a companion measure was substituted therefor. On motions by Senator Gordon, by two-thirds vote HB 4059 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Brantley	Hair	Myers	Thomas, J.
Childers, D.	Henderson	Peterson	Thomas, P.
Childers, W. D.	Holloway	Plante	Trask
Deeb	Johnston	Poston	Vogt
Dunn	Lane, D.	Renick	Ware
Firestone	Lane, J.	Scarborough	Wilson
Gallen	Lewis	Sims	Winn
Gordon	MacKay	Spicola	Zinkil
Graham	McClain	Stolzenburg	

Nays—None

Votes after roll call:

Yeas—Glisson and Tobiassen

CS for SB 1060 was laid on the table.

SB 1257 was taken up, together with:

By the Committee on Commerce and Senator Scarborough—

CS for SB 1257—A bill to be entitled An act relating to private investigative agencies, watchman, guard and patrol services; amending s. 493.01, Florida Statutes; redefining watchman, guard or patrol agency; limiting the scope of certain investigations and including service of court process for hire within the regulatory authority of the Department of State; adding s. 493.02(3), Florida Statutes; providing for access to criminal justice information and criminal justice intelligence information; amending ss. 493.03, 493.04, Florida Statutes; requiring certain persons to fulfill experience requirements; providing an exemption from application fee and experience requirements; requiring termination of employee who is denied license; requiring a Class "G" licensee to keep license in his possession and prohibiting issuance of such license except to an employee; amending s. 493.06, Florida Statutes; authorizing additional fees; amending s. 493.07(1)(a), Florida Statutes; requiring examination of certain records in investigations of applicants; amending s. 493.09(2), Florida Statutes; exempting Class "E" licensees from insurance requirements; amending s. 493.10(1), Florida Statutes; providing for expiration of licenses; amending s. 493.12, Florida Statutes; providing for license renewal and fees; requiring Class "F" and "G" licensees to fulfill health and training requirements; amending s. 493.18, Florida Statutes; providing for a trust fund; amending s. 493.21(3)-(5), Florida Statutes, and adding subsection (6) to said section; providing an exception to requirement that employee's weapon be encased in view; providing for temporary Class "G" license; providing for the firearm a Class "G" licensee is authorized to carry; amending s. 493.23(3), Florida Statutes; increasing advisory council membership; providing an effective date.

—which was read the first time by title and SB 1257 was laid on the table.

On motion by Senator Scarborough, by two-thirds vote CS for SB 1257 was read the second time by title.

Senator P. Thomas moved the following amendment which was adopted:

Amendment 1—On page 8, line 24, insert: after the word "Statute."

The provisions of this section shall not apply to any full-time police officer, full-time deputy sheriff, part-time police officer, part-time deputy sheriff, auxiliary police officer, or auxiliary deputy sheriff who are duly certified by the police Standards and Training Commission when they are performing duties approved by their superiors.

On motion by Senator Scarborough, by two-thirds vote CS for SB 1257 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Brantley	Hair	Myers	Thomas, J.
Childers, D.	Henderson	Peterson	Thomas, P.
Childers, W. D.	Holloway	Plante	Trask
Deeb	Johnston	Poston	Vogt
Firestone	Lane, D.	Renick	Ware
Gallen	Lane, J.	Scarborough	Wilson
Glisson	Lewis	Sims	Winn
Gordon	MacKay	Spicola	Zinkil
Graham	McClain	Stolzenburg	

Nays—None

Votes after roll call:

Yeas—Barron and Tobiassen

Consideration of SB 1146 was deferred.

SB 300 was taken up, together with:

By the Committee on Commerce and Senator P. Thomas—

CS for SB 300—A bill to be entitled An act relating to motor vehicle inspection; adding s. 325.11(13), Florida Statutes; defining motor vehicle; amending s. 325.14(1), (2), Florida Statutes; providing a criminal penalty for any dealer retailing a used motor vehicle without an inspection certificate; providing that motor vehicles sold privately shall not be driven unless the vehicle has a current valid inspection certificate; amending s. 325.23, Florida Statutes; providing a criminal penalty for unlawful possession, transferring, or removal of an inspection certificate; amending s. 325.28, Florida Statutes; requiring motor vehicles registered or required to be registered in Florida to display a Florida inspection certificate; amending s. 325.30, Florida Statutes; providing a criminal penalty for issuing an inspection certificate for a noninspected motor vehicle; amending s. 325.31, Florida Statutes; providing an exception to the noncriminal penalty for violating certain provisions relating to motor vehicle inspection; creating s. 325.33, Florida Statutes; providing a criminal penalty for unlawful making, possessing, or transferring of certificates; providing an effective date.

—which was read the first time by title and SB 300 was laid on the table.

On motion by Senator P. Thomas, by two-thirds vote CS for SB 300 was read the second time by title.

Senator P. Thomas moved the following amendment which was adopted:

Amendment 1—On page 2, strike lines 14-19 and insert: *Florida. Trailers are excluded.*

On motion by Senator P. Thomas, by two-thirds vote CS for SB 300 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Brantley	Deeb	Glisson	Hair
Childers, D.	Dunn	Gordon	Henderson
Childers, W. D.	Gallen	Graham	Holloway

Johnston	Myers	Sims	Trask
Lane, D.	Peterson	Spicola	Vogt
Lane, J.	Poston	Stolzenburg	Ware
Lewis	Renick	Thomas, J.	Wilson
MacKay	Sayler	Thomas, P.	Winn
McClain	Scarborough	Tobiassen	Zinkil

Nays—None

SB 559—A bill to be entitled An act relating to plant industry; creating s. 581.182, Florida Statutes; requiring a permit for introduction of citrus plants, citrus plant products, or propagations therefrom from other states, territories, or foreign countries; requiring confiscation and destruction of citrus plants, citrus plant products, or propagations therefrom introduced from other states, territories, or foreign countries without a permit, or any plants propagated thereafter from such materials; prohibiting propagation of citrus trees from a tree or certain material brought into the state without prior indexing; providing for the cost of such indexing; providing an effective date.

—was read the second time by title.

The Committee on Agriculture offered the following amendments which were moved by Senator Peterson and adopted:

Amendment 1—On page 2, strike all of lines 7 through and including line 17 and insert: (2) Application for a permit to introduce into this state from another state, territory or foreign country any citrus plant, citrus plant product or propagation therefrom shall be made on an application form to be formulated by the department.

(3) In considering an application for a permit to introduce into this state from another state, territory or foreign country any citrus plant, citrus plant product or propagation therefrom, the department shall consider the following guidelines:

(a) Only budwood of clones not available in Florida will be introduced and no citrus budwood will be permitted entry if the desired clone is known to be reproducible by seed. Not more than 25 buds of any single clone will be permitted entry.

(b) The clones introduced must have been evaluated by the Citrus Budwood Registration Committee as having desirable and superior characteristics to warrant testing under Florida field conditions prior to possible release as a new clone, or be of a type desirable for research, or as a breeding stock to be used by the agricultural experiment stations in Florida.

(c) The parent trees from which the imported citrus budwood is to be taken must be free or apparently free from serious citrus pests. Wherever possible, budwood must be taken from plants adequately tested and certified free of disease at the point of origin.

(d) Each shipment of imported citrus budwood must be accompanied by a special permit issued by the Division of Plant Industry, Florida Department of Agriculture and Consumer Services, and must be sent directly to the Division of Plant Industry in Gainesville, Florida.

(e) All introduced citrus budwood must be grown for a minimum of 2-½ years in a secure Division of Plant Industry greenhouse or screenhouse that has been made as insect-proof as feasible, or under other acceptable conditions mutually agreed upon by the division and importer or budwood. It shall be isolated from other citrus as much as possible. During this period, introduced budwood shall be subject to tests for tristeza, vein enation, yellow vein, exocortis, psorosis, xyloporosis, stubborn, tatter leaf, and all other known citrus virus diseases for which there are reliable tests. Such tests will be started as soon as possible after arrival of the budwood in Florida. After a complete determination, the budwood will be released to the person (institution) responsible for its growing, testing, propagation, and distribution.

(f) At the end of no less than 2-½ years, or when tests are completed, new clones will be evaluated by the Citrus Budwood Registration Committee. If the committee recommends the release and distribution of any clone to the industry, a portion of this clone will be validated and maintained in a Division of Plant Industry planting.

Section 2. Section 581.183, Florida Statutes is created to read:

581.183 Propagation of Unindexed Star Ruby is Prohibited.—

(1) Prior to July 1, 1981, it is unlawful for any person to propagate for sale or to sell a citrus tree of the variety commonly known as "Star Ruby" by propagating such tree by a graft or budwood from a tree which has not been indexed according to rules and regulations promulgated by the department, and is certified as free from citrus diseases which include, but are not limited to, tristeza, necrotic ring spot, exocortis, xyloporosis, psorosis and vein enation. The cost of the indexing shall be paid by the owner of such citrus plants. Any trees offered for sale or sold which have not been propagated from indexed material under requirements of this section shall be confiscated and destroyed without compensation.

Section 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 4. This act shall take effect upon becoming a law.

Amendment 2—On page 1 in title, strike all of lines 14 through and including line 18 after the ; insert: creating section 581.183, Florida Statutes; prohibiting propagation of citrus trees from the Star Ruby variety without prior indexing; providing for the cost of such indexing; requiring confiscation and destruction of trees without compensation; providing a severability clause; providing an effective date.

On motion by Senator Peterson, by two-thirds vote SB 559 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Brantley	Hair	Peterson	Tobiassen
Childers, D.	Henderson	Plante	Trask
Childers, W. D.	Holloway	Poston	Vogt
Deeb	Johnston	Renick	Ware
Dunn	Lane, D.	Sayler	Wilson
Firestone	Lane, J.	Scarborough	Winn
Gallen	Lewis	Sims	Zinkil
Glisson	MacKay	Stolzenburg	
Gordon	McClain	Thomas, J.	
Graham	Myers	Thomas, P.	

Nays—None

On motion by Senator Peterson the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 3977 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Agriculture and General Legislation—

HB 3977—A bill to be entitled An act relating to plant industry; amending ss. 581.031(20) and 581.211, Florida Statutes, providing a penalty for the importation or possession without a permit of plants and plant products moved into Florida from another state, territory, or foreign country likely to carry plant pests; creating section 581.122, Florida Statutes, making it unlawful to take or damage any plants, plant products, or nursery stock or to enter the premises of any nursery outside of business hours without the consent of the owner or his agent; providing an effective date.

—was read the first time by title. On motion by Senator Peterson, the rules were waived and the bill was placed on the Calendar.

Consent Calendar, continued

SB 310 was taken up and on motion by Senator Peterson, HB 3977, a companion measure, was substituted therefor. On motions by Senator Peterson, by two-thirds vote HB 3977 was read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Brantley	Hair	Peterson	Tobiassen
Childers, D.	Henderson	Plante	Trask
Childers, W. D.	Holloway	Poston	Vogt
Deeb	Johnston	Renick	Ware
Dunn	Lane, D.	Sayler	Wilson
Firestone	Lane, J.	Sims	Winn
Gallen	Lewis	Spicola	Zinkil
Glisson	MacKay	Stolzenburg	
Gordon	McClain	Thomas, J.	
Graham	Myers	Thomas, P.	

Nays—None

SB 310 was laid on the table.

On motion by Senator Peterson the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed HB 3976 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Agriculture and General Legislation—

HB 3976—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; repealing ss. 585.32 and 585.321, Florida Statutes, relating to the purchase and distribution of hog cholera immunization agents; providing an effective date.

—was read the first time by title. On motion by Senator Peterson, the rules were waived and the bill was placed on the Calendar.

Consent Calendar, continued

SB 865 was taken up and on motion by Senator Peterson HB 3976, a companion measure, was substituted therefor. On motions by Senator Peterson, by two-thirds vote HB 3976 was read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Brantley	Henderson	Plante	Tobiassen
Childers, D.	Holloway	Poston	Trask
Childers, W. D.	Johnston	Renick	Vogt
Deeb	Lane, D.	Saunders	Ware
Dunn	Lane, J.	Sayler	Wilson
Firestone	Lewis	Scarborough	Winn
Glisson	MacKay	Sims	Zinkil
Gordon	McClain	Stolzenburg	
Graham	Myers	Thomas, J.	
Hair	Peterson	Thomas, P.	

Nays—None

Vote after roll call:

Yea—Spicola

SB 865 was laid on the table.

HB 2749—A bill to be entitled An act relating to elections; amending s. 98.031(1), Florida Statutes, relating to registra-

tion and election districts, precincts, and polling places, to require that voter registration books be maintained in a manner such that the number of electors in each municipality may be determined; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote HB 2749 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Brantley	Henderson	Plante	Thomas, P.
Childers, D.	Holloway	Poston	Tobiassen
Childers, W. D.	Johnston	Renick	Trask
Deeb	Lane, D.	Saunders	Vogt
Dunn	Lane, J.	Sayler	Ware
Firestone	Lewis	Scarborough	Wilson
Glisson	MacKay	Sims	Winn
Gordon	McClain	Spicola	Zinkil
Graham	Myers	Stolzenburg	
Hair	Peterson	Thomas, J.	

Nays—None

SB 1019—A bill to be entitled An act relating to per diem and traveling expenses of public officers, employees, and authorized persons; amending s. 112.061(6)(b), (7)(h), Florida Statutes; providing that members of the Legislature may receive per diem for intradistrict overnight travel; providing that a traveler on a private aircraft may be reimbursed his fare under certain conditions; providing an effective date.

—was read the second time by title.

The Committee on Rules and Calendar offered the following amendment which was moved by Senator D. Childers and adopted:

Amendment 1—On page 2, strike lines 1 and 2 and insert: (.) period

On motion by Senator D. Childers, by two-thirds vote SB 1019 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Mr. President	Henderson	Peterson	Thomas, J.
Brantley	Holloway	Plante	Thomas, P.
Childers, D.	Johnston	Poston	Tobiassen
Childers, W. D.	Lane, D.	Renick	Trask
Deeb	Lane, J.	Saunders	Vogt
Firestone	Lewis	Sayler	Ware
Gallen	MacKay	Sims	Wilson
Glisson	McClain	Spicola	
Graham	Myers	Stolzenburg	

Nays—1

Scarborough

Vote after roll call:

Yea—Hair

Nay to yea—Scarborough

SB 1175—A bill to be entitled An act relating to insurance contracts; adding s. 627.413(5), Florida Statutes; requiring that all insurance policies contain on the front page a summary of major coverages, conditions, exclusions, and limitations contained in the policy; repealing s. 627.421(3), Florida Statutes, relating to summary required for automobile liability or physical damage insurance policies; providing an effective date.

—was read the second time by title.

Senator D. Childers moved the following amendments which were adopted:

Amendment 1—On page 1, line 17, strike everything after the enacting clause and insert: Section 1. Subsection (3) of section 627.421, Florida Statutes, is amended to read:

627.421 Delivery of policy.—

(3) Any homeowner's automobile liability or physical damage policy shall contain on the front page a summary of major coverages, conditions, exclusions, and limitations contained in that policy. Any such summary shall state that the issued policy should be referred to for the actual contractual governing provisions. The company may, in lieu of the summary, provide a readable policy.

Section 2. This act shall take effect January 1, 1978.

Amendment 2—On page 1 in title, strike all of lines 4-13 and insert: An act relating to insurance contracts; amending s. 627.421(3), Florida Statutes; requiring that any homeowner's policy contain on the front page a summary of major coverages, conditions, exclusions, and limitations contained in the policy; providing that in lieu of the summary a company may provide a readable policy; providing an effective date.

On motion by Senator D. Childers, by two-thirds vote SB 1175 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Brantley	Hair	Peterson	Stolzenburg
Childers, D.	Henderson	Plante	Thomas, J.
Childers, W. D.	Holloway	Poston	Tobiassen
Dunn	Johnston	Renick	Trask
Firestone	Lane, D.	Saunders	Vogt
Gallen	Lane, J.	Sayler	Ware
Glisson	Lewis	Scarborough	Wilson
Gordon	McClain	Sims	Winn
Graham	Myers	Spicola	Zinkil

Nays—None

On motion by Senator Brantley the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 3940 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Health & Rehabilitative Services and Representative Gordon and others—

CS for HB 3940—A bill to be entitled An act relating to child abuse; adding paragraphs (f) and (g) to s. 827.07(1), Florida Statutes, amending subsections (2), (3), (4), (6), (7), (9) and (11) thereof and adding two new subsections thereto; providing definitions of indicated and unfounded reports; authorizing the courts to order medical services by a licensed physician or treatment by a duly accredited practitioner under certain circumstances; providing for immunity from criminal prosecutions to licensed physicians offering such services; specifying condition of sexual and emotional abuse for the purpose of making a report; requiring certain reports to be made; requiring medical examiners to report the death of a child resulting from abuse; providing for the taking of photographs; providing for the taking of x-rays at the county's expense to be reimbursed by the parent, guardian or custodian; providing for the taking of a child into protective custody; providing for confidentiality of certain records; expanding provisions relating to those to whom names of persons reporting abuse may be released; creating a method for classifying reports of child abuse; providing for expunction of unfounded and indicated reports; providing immunity to persons taking photographs and x-rays of suspected child abuse and persons taking children into custody; providing education and training for appropriate persons; providing penalties for failure to report and for preventing another from reporting; providing an effective date.

—was read the first time by title and referred to the Committee on Rules and Calendar.

On motion by Senator Brantley, the rules were waived and the Committee on Rules and Calendar was granted permission to meet at 12 noon this day to consider CS for HB 3940.

On motion by Senator W. D. Childers, by two-thirds vote HB 3688 was placed at the end of the Consent Calendar for this day.

The Senate recessed at 12 noon to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President Pro Tempore at 2:00 p.m. A quorum present—40:

Mr. President	Graham	Myers	Stolzenburg
Brantley	Hair	Peterson	Thomas, J.
Childers, D.	Henderson	Plante	Thomas, P.
Childers, W. D.	Holloway	Poston	Tobiassen
Deeb	Johnston	Renick	Trask
Dunn	Lane, D.	Saunders	Vogt
Firestone	Lane, J.	Sayler	Ware
Gallen	Lewis	Scarborough	Wilson
Glisson	MacKay	Sims	Winn
Gordon	McClain	Spicola	Zinkil

Consent Calendar, continued

On motions by Senator Henderson, the rules were waived and by two-thirds vote HB 776 was withdrawn from the Committees on Commerce and Ways and Means.

SB 335—A bill to be entitled An act relating to solar energy; directing the Florida Solar Energy Center to set standards for solar energy systems manufactured or sold in the state; setting testing fees; establishing a trust fund; requiring disclosure; providing an effective date.

—was read the second time by title.

Senator Henderson moved the following amendment which was adopted:

Amendment 1—On page 3, strike all of lines 3 through 14 and insert the following: (2) The Center shall establish criteria for testing performance of solar energy systems and shall maintain the necessary capability for testing or evaluating performance of solar energy systems. The Center may accept results of tests on solar energy systems made by other organizations, companies, or persons, when such tests are conducted according to the criteria established by the Center and when the testing entity has no vested interest in the manufacture, distribution or sale of solar energy systems.

(3) The Center shall be entitled to receive a testing fee sufficient to cover the costs of such testing. All testing fees shall be transmitted by the Center to the State Treasurer to be deposited in the Solar Energy Center Testing Trust Fund, which is hereby created in the State Treasury and disbursed for the payment of expenses incurred in testing solar energy systems.

(4) All solar energy systems manufactured or sold in the State, which meet the standards established by the Center, may display accepted results of approved performance tests in a manner prescribed by the Center.

Pending further consideration of SB 335, on motion by Senator Henderson—

HB 776—A bill to be entitled An act relating to solar energy; directing the Florida Solar Energy Center to set standards for solar energy systems manufactured or sold in the state; setting testing fees; establishing a trust fund; requiring disclosure; providing an effective date.

—a companion measure was substituted therefor and read the second time by title.

Senator Henderson moved the following amendments which were adopted:

Amendment 1—On page 3, line 23, insert: Section 5. Solar energy; pilot program in schools.—

(1) The Department of Education is directed to develop a plan for a pilot program relating to the feasibility of utilizing solar energy as a source of power for the public schools in this state. The plan shall include, but not be limited to:

(a) The construction of a school or schools designed so as to permit the capture and use of solar energy as a source of

power or, in the alternative, the modification of a planned or existing school structure or structures so as to permit the capture and use of solar energy as a source of power.

(b) A detailed itemization of the costs, need, and projected savings, if any, and periods of construction or transition time involved in, the utilization of solar energy in the pilot school or schools and in the public schools of the state as a whole.

(c) A proposal for the funding of the pilot program through grants available from the Federal Government, and particularly, the National Science Foundation, in which respect the Solar Energy Center of the state shall cooperate with the department.

(2) The Solar Energy Center and the Department of General Services are directed to cooperate with, and provide assistance to, the Department of Education in carrying out the provisions of this section.

(3) The plan required by this section shall be presented to the Legislature no later than March 1, 1977.

(Renumber subsequent section)

Amendment 2—On page 1, line 9 in title, after the semicolon insert: directing the Department of Education to plan a pilot program for utilization of solar energy in the public schools; directing the cooperation of the Solar Energy Center and the Department of General Services; providing for a report;

On motion by Senator Henderson, by two-thirds vote HB 776 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Brantley	Holloway	Poston	Thomas, P.
Childers, D.	Johnston	Renick	Trask
Dunn	Lane, D.	Saunders	Vogt
Firestone	Lewis	Sayler	Ware
Gallen	MacKay	Sims	Wilson
Graham	Myers	Spicola	Winn
Hair	Peterson	Stolzenburg	Zinkil
Henderson	Plante	Thomas, J.	

Nays—None

Votes after roll call:

Yeas—Childers, W. D., Glisson and Tobiasen

SB 335 was laid on the table.

SB 1231—A bill to be entitled An act relating to conservation easements; creating s. 704.06, Florida Statutes, authorizing the conveyance and acquisition of certain rights and interests in real property for certain conservation related purposes; providing definitions; providing limitations on the acquisition of such rights and interests; providing for survival of such rights and interests; providing for enforcement; providing procedures; providing for other matters relative to the foregoing; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendment which was moved by Senator Henderson and adopted:

Amendment 1—On page 2, line 26, after the word "acquired" insert: , except by condemnation or by other exercise of the power of eminent domain,

On motion by Senator Henderson, by two-thirds vote SB 1231 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Brantley	Dunn	Graham	Holloway
Childers, D.	Firestone	Hair	Johnston
Deeb	Gallen	Henderson	Lane, D.

Lane, J.	Plante	Spicola	Ware
Lewis	Poston	Stolzenburg	Wilson
MacKay	Renick	Thomas, J.	Winn
McClain	Saunders	Tobiasen	Zinkil
Myers	Sayler	Trask	
Peterson	Sims	Vogt	

Nays—None

Votes after roll call:

Yeas—Childers, W. D., Glisson and P. Thomas

On motion by Senator Brantley, the rules were waived and the Senate reverted to—

REPORTS OF COMMITTEE

The following reports of the Committee on Rules and Calendar were read:

Honorable Dempsey J. Barron
President, The Florida Senate

June 1, 1976

Dear Mr. President:

Your Committee on Rules and Calendar was presented with a complaint, dated May 27, 1976, by Senator Kenneth M. Myers, against Mr. David R. Arpin, as a lobbyist registered before the Florida Senate, alleging a violation of the Rules of the Florida Senate relating to lobbying.

On Friday, May 28, 1976, a letter, notifying Mr. Arpin of the complaint and giving him notice of a meeting of the committee, was hand delivered to him by the Senate Sergeant-at-Arms. He was also served with a subpoena directing him to appear at the meeting. Mr. Arpin's attorney was also given a copy of the letter on Friday, May 28, 1976.

A meeting of the committee was called to consider this matter on Monday, May 31, 1976, at 11:00 a.m., committee room "F", Senate Office Building, which was conducted pursuant to the Rules of the Florida Senate.

Attached hereto is a copy of the letter of complaint from Senator Kenneth M. Myers, dated May 27, 1976, marked Exhibit "A", and the letter to Mr. Arpin, dated May 28, 1976, notifying Mr. Arpin of Senator Myers' complaint and of the committee meeting thereon, marked Exhibit "B".

The committee, having heard from Senator Kenneth M. Myers, Mr. David R. Arpin, and attorneys representing Mr. Arpin, considered and passed a motion recommending to the full Senate that David R. Arpin, a registered lobbyist before the Florida Senate, be censured.

Mr. Arpin submitted to the committee a letter dated May 31, 1976, to Senator Kenneth M. Myers (a copy of which is attached hereto and marked Exhibit "C"), stating that a retraction of statements relating to Senator Myers appearing in the 1976 Legislative Bulletin No. 6 of the Florida Hotel and Motel Association (see Exhibit "A"), which Mr. Arpin stated to the committee he wrote and typed himself, would be retracted in the June 2 edition of the Bulletin. Mr. Arpin also publicly apologized to Senator Myers before the committee.

THEREFORE, BE IT THE RECOMMENDATION of the Senate Committee on Rules and Calendar to the Florida Senate that DAVID R. ARPIN, a lobbyist registered before the Florida Senate, be censured pursuant to Rule 9.8, Rules of the Florida Senate, a censure being an official, public reprimand by the Florida Senate criticizing adversely as blameworthy, disapproving of, dispraising and condemning with stern judgment Mr. Arpin for violating the obligations of a lobbyist as contained in Rule 9 of the Florida Senate.

Respectfully submitted,
Lew Brantley, Chairman

On motion by Senator Brantley the foregoing report was adopted.

Dear Mr. President:

Your Committee on Rules and Calendar met this date to consider a motion by Senator Scarborough relative to introducing a

bill of an emergency nature after the 18th day cut-off. The subject matter of the bill deals with the Jacksonville Expressway.

The Committee voted unanimously to allow the bill to be introduced and considered during the 1976 session of the Legislature.

Respectfully submitted,
Lew Brantley, Chairman

Consent Calendar, continued

SB 161—A bill to be entitled An act relating to junk dealers, scrap metal processors, persons dealing in secondhand goods, and foundries; amending s. 812.049(3), Florida Statutes; redefining "metals"; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendment which was moved by Senator Holloway and adopted:

Amendment 1—On page 1, lines 16 and 17, strike "*wires, cables, bus bars, fittings, or equipment*" and insert: *copper wires, copper cables, copper bus bars, copper fittings, or copper electrical equipment*

On motion by Senator Holloway, by two-thirds vote SB 161 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Brantley	Hair	Peterson	Thomas, P.
Childers, D.	Henderson	Plante	Tobiassen
Childers, W. D.	Holloway	Poston	Trask
Deeb	Johnston	Renick	Vogt
Dunn	Lane, D.	Saunders	Ware
Firestone	Lane, J.	Sims	Wilson
Gallen	Lewis	Spicola	Winn
Glisson	McClain	Stolzenburg	Zinkil
Graham	Myers	Thomas, J.	

Nays—None

SB 62—A bill to be entitled An act relating to electrical contractors; adding s. 468.181(8), (9), Florida Statutes; providing definitions for "registration" and "registrant"; amending s. 468.186, Florida Statutes; providing for renewal of registration; providing that registrants may not go on inactive status; amending s. 468.187(2), (3), Florida Statutes, and adding a new subsection to said section; providing an initial registration without examination fee; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendment which was moved by Senator Holloway and adopted:

Amendment 1—On page 2, lines 11-12, strike "and, in addition" and insert: ~~and, in addition~~

On motion by Senator Holloway, by two-thirds vote SB 62 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Brantley	Henderson	Peterson	Thomas, J.
Childers, D.	Holloway	Plante	Thomas, P.
Deeb	Johnston	Poston	Trask
Dunn	Lane, D.	Renick	Vogt
Firestone	Lewis	Saunders	Ware
Glisson	MacKay	Sims	Wilson
Graham	McClain	Spicola	Winn
Hair	Myers	Stolzenburg	Zinkil

Nays—2

Childers, W. D. Tobiassen

Vote after roll call:

Nay to Yea—Childers, W. D.

SB 325 was taken up, together with:

By the Committee on Commerce and Senator McClain—

CS for SB 325—A bill to be entitled An act relating to labor standards for state, county, or municipal contracts; amending s. 446.101(3)(a), (4), Florida Statutes; specifying the ratios of apprentices or trainees to journeymen which the contractor must agree to hire; providing for certification of diligent effort to hire the required number of apprentices or trainees for contractors who are unable to hire the required number; providing an effective date.

—which was read the first time by title and SB 325 was laid on the table.

On motions by Senator McClain, by two-thirds vote CS for SB 325 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Childers, W. D.	Holloway	Plante	Thomas, P.
Deeb	Lane, D.	Poston	Tobiassen
Firestone	Lane, J.	Renick	Trask
Gallen	Lewis	Sayler	Vogt
Glisson	MacKay	Sims	Ware
Graham	McClain	Spicola	
Hair	Myers	Stolzenburg	
Henderson	Peterson	Thomas, J.	

Nays—3

Childers, D. Johnston Saunders

Votes after roll call:

Yeas—Wilson and Winn

On motion by Senator McClain, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed SB 1122, SB 403.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed—

SB 405

SB 311

SB 1117

The bills contained in the foregoing messages were ordered enrolled.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 2599 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Criminal Justice and Representative Lehman and others—

CS for HB 2599—A bill to be entitled An act relating to criminal penalties; amending s. 893.13(1)(a), Florida Statutes, providing that the sale, delivery or possession of in excess of 100 pounds of cannabis is a felony of the second degree; providing an effective date.

—was read the first time by title. On motion by Senator McClain, the rules were waived and the bill was placed on the calendar.

Consent Calendar, continued

SB 395 was taken up, together with, by the Committee on Judiciary-Criminal and Senator Zinkil, CS for SB 395 which was read the first time by title and SB 395 was laid on the table.

On motion by Senator McClain, CS for HB 2599, a companion measure to CS for SB 395, was substituted therefor. On motion by Senator McClain, by two-thirds vote CS for HB 2599 was read the second time by title.

Senator Myers moved the following amendments which were adopted:

Amendment 1—On page 2, line 4, insert: (f) If the first offense is the possession or delivery without consideration of not more than 1 ~~avoirdupois ounce~~ ~~5 grams~~ of cannabis, that person shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 and s. 775.083. For purposes of this subsection, "cannabis" shall not include the resin extracted from the plant *Cannabis sativa*, L., or any compound manufacture, salt, derivative, mixture, or preparation of such resin.

Amendment 2—On page 1, strike all of lines 12 and 13 and insert: Section 1. Paragraphs (a) and (f) of subsection (1) of section 893.13, Florida Statutes, are amended to read:

Amendment 3—On page 1, line 8 in title, insert after the semicolon: amending s. 893.13(1)(f), Florida Statutes; providing a penalty for possession or delivery of not more than 1 avoirdupois ounce of cannabis;

On motion by Senator McClain, by two-thirds vote CS for HB 2599 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—20

Brantley	Lane, D.	Plante	Vogt
Dunn	Lane, J.	Renick	Ware
Firestone	MacKay	Spicola	Wilson
Gordon	McClain	Thomas, J.	Winn
Johnston	Myers	Thomas, P.	Zinkil

Nays—13

Childers, D.	Graham	Peterson	Trask
Childers, W. D.	Hair	Poston	
Gallen	Holloway	Sims	
Glisson	Lewis	Tobiassen	

Vote after roll call:

Yea to Nay—Renick

CS for SB 395 was laid on the table.

On motion by Senator Graham, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed HB 4147 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Health & Rehabilitative Services and Representative Gordon—

HB 4147—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending chapter 75-190, Laws of Florida, relating to the department's authority to establish and require payment of certain charges and fees for services, removing a provision for automatic repeal of the act; providing an effective date.

—was read the first time by title. On motion by Senator Graham, the rules were waived and the bill was placed on the calendar.

Consent Calendar, continued

SB 1201 was taken up, together with, by the Committee on Health and Rehabilitative Services, CS for SB 1201, which was read the first time by title and SB 1201 was laid on the table.

On motion by Senator Graham HB 4147, a companion measure, was substituted therefor. On motion by Senator Graham, by two-thirds vote HB 4147 was read the second time by title.

Senator Graham moved the following amendment which was adopted:

Amendment 1—On page 1, line 14, strike everything after the enacting clause and insert: Section 1. Chapter 75-190, Laws of Florida, is amended to read:

Section 1. It is the intent of the Legislature that whenever practical the Department of Health and Rehabilitative Services shall require the client, ~~clients or parents or spouse of the client,~~ and third party payors to participate in the cost of services or to pay fees for services provided by the department.

Section 2. The Department of Health and Rehabilitative Services may at its discretion and in accordance with rules and regulations established by the department charge fees for any service provided by the department. Fees will be reasonably related to the cost of providing the service and the client's ability to pay unless:

(1) The fee is set by Florida Statutes;

(2) An adjustment is necessary to assure maximum utilization of federal funds.

Section 3. Annually the Department of Health and Rehabilitative Services shall determine or establish the:

(1) Cost of providing services for which charges will be made;

(2) Uniform ability to pay or participate in the cost of service criteria.

Section 4. All persons receiving services for which fees have been established pursuant to this act shall be liable for the actual cost of the service provided ~~benefits they receive from third party payors and.~~ The department shall only collect from third party payors or from clients, parents or spouse of the client to pay fees consistent with their ability to pay. Parents of minors receiving services in a program for which fees have been established shall be liable to pay fees consistent with their ability to pay unless the service was requested by the minor without parental consent. The department is authorized to require financial information from clients, parents, legal guardians or other financially responsible persons in order to determine ability to pay in accordance with uniform criteria.

Section 5. The department shall actively assist clients in securing benefits from third party payors. Eligibility for departmental programs does not reduce otherwise payable obligations of third party payors who shall be billed and liable for the total cost of the service. Revenue received by the department from third party payors to cover cost of services provided shall be deducted from the total cost of providing services to the client. In no event shall a fee charged to a client exceed the difference between the total cost of providing services to the client and the revenue received from third party payors ~~reduce client, parent or guardian liability for fees established pursuant to this act by the amount received.~~

Section 6. Payment of charges shall not be a prerequisite to treatment or care.

Section 7. (1) Unpaid fees shall constitute a lien upon all property, both real and personal, of any client who has received any service for which the department charges fees. Such services shall constitute a claim against the client and his estate enforceable according to law in an amount to be determined by the department. Said liens and claims shall be enforced on behalf of the state by the department. The lien and claim herein created shall be continuing obligations until 3 years after the client's demise, unless earlier satisfied.

(2) Upon the death of a client against whom the department has a claim, a caveat may be filed without cost by the department. In the event that the department effects recovery, the Clerk of the Circuit Court shall be reimbursed the statutory filing fee for caveats.

Section 8. Any client who shall transfer or encumber his property for an inadequate consideration with the intent of defeating or hindering the claim of the department for reimbursement shall have made a fraudulent conveyance, and such transfer or encumbrance shall be void and of no effect as against the claim of the department. The department may institute a suit to set aside the conveyance at any time within 3 years after the death of the debtor. A transfer or encumbrance for an inadequate consideration made within 6 months immediately preceding the death of the transferor shall be presumed to have been made with the intent of hindering the claim of the department. Nothing contained in this section shall be construed to make void any conveyance or encumbrance which shall be made in good faith to any person.

Section 9 7. This act shall take effect July 1, 1975, and shall be repealed on July 1, 1976.

Section 2. This act shall take effect July 1, 1976, or in the event that this act fails to become a law until after said date, this act shall take effect upon becoming a law, and shall be retroactive to July 1, 1976.

Further consideration of HB 4147 was deferred.

Consideration of SB 57 was deferred.

SB 584—A bill to be entitled An act relating to cruelty to children and animals; amending s. 828.03, Florida Statutes; authorizing counties to appoint agents to prevent cruelty to children and animals; amending s. 828.073(2)-(4), (6)(b), Florida Statutes; authorizing the agent of a county to take custody of a neglected or mistreated animal; providing procedure; authorizing auction or destruction of such animal in certain cases; providing an effective date.

—was read the second time by title. On motion by Senator Firestone, by two-thirds vote SB 584 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Brantley	Henderson	Poston	Thomas, P.
Childers, D.	Holloway	Renick	Tobiassen
Childers, W. D.	Johnston	Saunders	Trask
Dunn	Lane, D.	Sayler	Vogt
Firestone	Lewis	Scarborough	Ware
Gallen	MacKay	Sims	Wilson
Glisson	Myers	Spicola	Winn
Gordon	Peterson	Stolzenburg	Zinkil
Hair	Plante	Thomas, J.	

Nays—None

Votes after roll call:

Yeas—Deeb, Graham

SB 454—A bill to be entitled An act relating to the Division of Florida Land Sales and Condominiums of the Department of Business Regulation; creating s. 478.062, Florida Statutes; requiring the division to establish an office in southeastern Florida; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendments which were moved by Senator Firestone and adopted:

Amendment 1—On page 1, line 16, strike "an office" and insert: branch offices

Amendment 2—On page 1, line 17, after the word "state" insert: and in the Tampa Bay area

Amendment 3—On page 1, line 18, strike "serving" and insert: handling complaints in

Senator Firestone moved the following amendment which was adopted:

Amendment 4—On page 1, line 18, strike "that portion" and insert: those portions

On motion by Senator Firestone, by two-thirds vote SB 454 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Brantley	Graham	McClain	Thomas, J.
Childers, D.	Hair	Peterson	Thomas, P.
Childers, W. D.	Henderson	Plante	Tobiassen
Deeb	Holloway	Poston	Trask
Dunn	Johnston	Saunders	Vogt
Firestone	Lane, D.	Sayler	Ware
Gallen	Lane, J.	Sims	Winn
Glisson	Lewis	Spicola	Zinkil
Gordon	MacKay	Stolzenburg	

Nays—None

Consideration of HB 483 (cs) and SB 990 was deferred.

SB 1200 was taken up, together with:

By the Committee on Transportation and Senator Gordon—

CS for SB 1200—A bill to be entitled An act relating to pilots; amending ss. 310.011, 310.021(1), Florida Statutes; reducing the number of members on the Board of Pilot Commissioners; reducing the number of members on the board required to be licensed state pilots actively practicing their profession; increasing the number of nonpilot members; providing an effective date.

—which was read the first time by title and SB 1200 was laid on the table.

On motions by Senator Gordon, by two-thirds vote CS for SB 1200 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Childers, D.	Henderson	Poston	Thomas, P.
Childers, W. D.	Holloway	Saunders	Tobiassen
Deeb	Johnston	Sayler	Trask
Firestone	Lane, D.	Scarborough	Vogt
Gallen	Lane, J.	Sims	Ware
Glisson	Lewis	Spicola	Winn
Gordon	McClain	Stolzenburg	Zinkil
Graham	Plante	Thomas, J.	

Nays—None

Votes after roll call:

Yeas—Hair, Peterson and Wilson

On motion by Senator J. Thomas the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed HB 3994 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Boyd—

HB 3994—A bill to be entitled An act relating to the Department of State; providing an appropriation from the General Revenue Fund to the department to cover costs of a special election in Broward and Dade Counties; providing an effective date.

—was read the first time by title. On motion by Senator J. Thomas, the rules were waived and the bill was placed on the calendar.

Consent Calendar, continued

SB 1334 was taken up and on motion by Senator J. Thomas, HB 3994, a companion measure, was substituted therefor. On motions by Senator J. Thomas, by two-thirds vote HB 3994 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Brantley	Henderson	Poston	Tobiassen
Childers, D.	Holloway	Renick	Trask
Childers, W. D.	Johnston	Saunders	Vogt
Deeb	Lane, D.	Saylor	Ware
Firestone	Lane, J.	Scarborough	Wilson
Gallen	Lewis	Sims	Winn
Glisson	MacKay	Spicola	Zinkil
Gordon	McClain	Stolzenburg	
Graham	Myers	Thomas, J.	
Hair	Plante	Thomas, P.	

Nays—None

Vote after roll call:

Yea—Peterson

SB 1334 was laid on the table.

SB 751 was taken up, together with, by the Committee on Commerce and Senator J. Thomas, CS for SB 751 which was read the first time by title and SB 751 was laid on the table.

On motion by Senator J. Thomas, the rules were waived and by two-thirds vote HB 3132 was withdrawn from the Committee on Commerce and placed on the calendar. On motion by Senator J. Thomas—

HB 3132—A bill to be entitled An act relating to unclaimed property; creating s. 715.065, Florida Statutes, authorizing jewelry stores or television or radio repair stores which accept jewelry or other articles for repair, cleaning, or adjustment to dispose of such jewelry or other articles after a period of 1 year elapses without any person claiming the property; requiring notice to the deliverer of the property; providing an effective date.

—a companion measure to CS for SB 751 was substituted therefor and read the second time by title.

Senator J. Thomas moved the following amendments which were adopted:

Amendment 1—On page 1, strike everything after the enacting clause and insert: Section 1. Section 715.065, Florida Statutes, is created to read:

715.065 Jewelry stores; television or radio repair stores; disposition of unclaimed articles.—If any person fails to claim any article of jewelry or other article delivered to a jewelry store or television or radio repair stores for repair, cleaning, or adjustment for a period of 1 year after such delivery, the jewelry store or television or radio repair stores shall have the right to dispose of such jewelry or other article by whatever means it may choose without incurring liability or responsibility to the owner of such jewelry or other article. However, before the jewelry store or television or radio repair stores may claim the benefits of this section it shall, at the time of receiving such jewelry or other article, give to the individual delivering such jewelry or other article notice in writing that the jewelry or other article delivered may be disposed of by the jewelry store or television or radio repair stores unless the jewelry or other article is reclaimed within 1 year from the date of delivery. Notice by certified mail shall be given to the person who deposits the jewelry or other article of the intended disposition thereof, 15 days prior to said disposition. Any value of the jewelry or other articles sold or disposed of pursuant to this section which is in excess of the costs and expenses incurred by the store shall be tendered to the person who deposited the article within 15 days after the sale or other disposition of the article.

Section 2. This act shall take effect July 1, 1976.

Amendment 2—On page 1 in title, line 12, after the semicolon insert: requiring the tender to the deliverer of the property

of the value of the article sold in excess of costs or expenses incurred by the store;

On motion by Senator J. Thomas, by two-thirds vote HB 3132 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—35

Brantley	Hair	Plante	Thomas, P.
Childers, D.	Henderson	Poston	Tobiassen
Childers, W. D.	Holloway	Renick	Trask
Deeb	Johnston	Saylor	Vogt
Firestone	Lane, D.	Scarborough	Ware
Gallen	Lane, J.	Sims	Wilson
Glisson	Lewis	Spicola	Winn
Gordon	MacKay	Stolzenburg	Zinkil
Graham	McClain	Thomas, J.	

Nays—None

Vote after roll call:

Yea—Peterson

CS for SB 751 was laid on the table.

SB 92—A bill to be entitled An act relating to the "Florida Uniform Disposition of Traffic Infractions Act"; amending s. 318.13(5), Florida Statutes, to include traffic infraction enforcement officers within the definition of "officer" for the purposes of said act; creating s. 318.141, Florida Statutes, to authorize sheriff's departments or police departments of chartered municipalities to employ individuals, who meet certain qualifications, as traffic infraction enforcement officers; prescribing the duties of such officers; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendment which was moved by Senator Zinkil and adopted:

Amendment 1—On page 2, line 23, strike "the provisions of this chapter" and insert: noncriminal traffic infractions as defined in § 318.14

On motion by Senator Zinkil, by two-thirds vote SB 92 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

Brantley	Johnston	Renick	Trask
Childers, W. D.	Lane, D.	Saylor	Vogt
Deeb	Lane, J.	Scarborough	Ware
Firestone	MacKay	Sims	Wilson
Gallen	McClain	Spicola	Winn
Glisson	Peterson	Stolzenburg	Zinkil
Graham	Plante	Thomas, P.	
Hair	Poston	Tobiassen	

Nays—3

Childers, D.	Holloway	Lewis
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Vote after roll call:

Yea—Dunn

SB 199—A bill to be entitled An act relating to public printing; amending s. 283.28, Florida Statutes, 1975; providing for biennial purging of publication mailing lists maintained by state agencies and any other subdivision of government; providing a specified form for use in survey; providing submittal of a report to the Office of the Auditor General; requiring a certain number of copies of each agency publication to be sent to the State Library; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendments which were moved by Senator Zinkil and adopted:

Amendment 1—On page 2, line 11, after the word "forthwith", insert: Agencies are prohibited from supplying addressees with postpaid response forms.

Amendment 2—On page 2, line 26, strike ", or any county or municipal government or any other subdivision of government"

Amendment 3—On page 3, line 3, insert a new Section 2 and renumber subsequent section.

Section 2. Section 283.28(1)(c) is repealed effective July 1, 1980.

Amendment 4—On page 2, line 27, strike "(.)" and insert: (,) except an agency of state government whose mailing list shall consist only of those registered with the agency and whose registration fee shall include payment for the publication of the agency as subscribers.

Amendment 5—On page 2, line 30, strike "six copies" and insert: the number of copies required in s. 257.05 F. S.

The Committee on Governmental Operations offered the following amendments which were moved by Senator Zinkil and adopted:

Amendment 6—On page 1, line 11 in title, after the semi-colon (;) insert: providing for repeal of reporting requirement in 1980;

Amendment 7—On page 1, lines 7 and 8 in title, strike "and any other subdivision of government"

On motion by Senator Zinkil, by two-thirds vote SB 199 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Brantley	Holloway	Poston	Thomas, P.
Childers, D.	Johnston	Renick	Tobiassen
Deeb	Lane, J.	Saunders	Trask
Firestone	Lewis	Sayler	Vogt
Gallen	MacKay	Scarborough	Ware
Glisson	McClain	Sims	Wilson
Graham	Myers	Spicola	Winn
Hair	Peterson	Stolzenburg	Zinkil
Henderson	Plante	Thomas, J.	

Nays—None

Vote after roll call:

Yea—Childers, W. D.

SB 1115 was taken up, together with:

By the Committee on Commerce and Senator P. Thomas—

CS for SB 1115—A bill to be entitled An act relating to uniform land sales practices; adding s. 478.221(2)(d), Florida Statutes; providing an additional exemption to the provisions of the Florida Uniform Land Sales Practices Law; providing an effective date.

—which was read the first time by title and SB 1115 was laid on the table.

On motions by Senator P. Thomas, by two-thirds vote CS for SB 1115 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Brantley	Henderson	Poston	Thomas, P.
Childers, D.	Holloway	Renick	Tobiassen
Deeb	Johnston	Sayler	Trask
Dunn	Lewis	Scarborough	Ware
Firestone	MacKay	Sims	Wilson
Glisson	Myers	Spicola	Winn
Graham	Peterson	Stolzenburg	Zinkil
Hair	Plante	Thomas, J.	

Nays—1

Vogt

Vote after roll call:

Yea—Childers, W. D.

Consideration of SJR 825 was deferred.

On motion by Senator Graham the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 3172 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Papy and others—

HB 3172—A bill to be entitled An act relating to the district school system; amending s. 232.43, Florida Statutes; authorizing district school boards to pay for a plan or method of providing insurance for students sustaining injury while engaging and participating in any school athletic activities conducted or sponsored by school athletic associations or schools of the school district; providing an effective date.

—was read the first time by title. On motion by Senator Graham, the rules were waived and the bill was placed on the calendar.

Consent Calendar, continued

SB 972 was taken up and on motion by Senator Graham HB 3172, a companion measure to SB 972, was substituted therefor. On motion by Senator Graham, by two-thirds vote HB 3172 was read the second time by title.

Senator Graham moved the following amendments which were adopted:

Amendment 1—On page 1, line 16, strike everything after the enacting clause and insert: Section 1. Section 232.43, Florida Statutes, is amended to read:

232.43 Insuring school students engaged in athletic activities against injury.—Any *district school board*, school athletic association, or school of the state may formulate, ~~and~~ conduct, ~~and purchase~~ a plan or method of insuring school students against injury sustained by reason of such students engaging and participating in the athletic activities conducted or sponsored by such *district school board*, association, or school in which such students are enrolled. A *district school board*, *school athletic association* or *school of the state* may add a surcharge to the fee charged for admission to athletic events as a means of producing revenue to purchase such insurance. For all or part of such plan or method of insurance from available school board funds.

Amendment 2—On page 1, strike lines 3 through 12 and insert: A bill to be entitled An act relating to student athletic insurance; amending s. 232.43, Florida Statutes; authorizing district school boards, school athletic associations and schools of the state to purchase student athletic insurance; authorizing the addition of a surcharge to admission fees to athletic events to purchase the insurance; providing an effective date.

On motion by Senator Graham, by two-thirds vote HB 3172 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—37

Brantley	Henderson	Plante	Tobiassen
Childers, D.	Holloway	Poston	Trask
Deeb	Johnston	Renick	Vogt
Dunn	Lane, D.	Sayler	Ware
Firestone	Lane, J.	Scarborough	Wilson
Gallen	Lewis	Sims	Winn
Glisson	MacKay	Spicola	Zinkil
Gordon	McClain	Stolzenburg	
Graham	Myers	Thomas, J.	
Hair	Peterson	Thomas, P.	

Nays—None

Vote after roll call:

Yea—Childers, W. D.

SB 972 was laid on the table.

SB 828—A bill to be entitled An act relating to bomb threats; amending s. 790.164(1), Florida Statutes, extending application to property owned by any political subdivision of the state as well as to property owned by the state; providing an effective date.

—was read the second time by title. On motion by Senator Spicola, by two-thirds vote SB 828 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Brantley	Graham	Peterson	Thomas, J.
Childers, D.	Henderson	Poston	Thomas, P.
Deeb	Johnston	Renick	Tobiassen
Dunn	Lane, J.	Saunders	Trask
Firestone	Lewis	Scarborough	Vogt
Gallen	MacKay	Sims	Ware
Glisson	McClain	Spicola	Wilson
Gordon	Myers	Stolzenburg	Zinkil

Nays—None

Vote after roll call:

Yeas—Childers, W. D., and Holloway

SB 1451—A bill to be entitled An act relating to aquatic preserves; creating s. 258.391, Florida Statutes; confirming the designation of the Cockroach Bay Aquatic Preserve in Hillsborough County for inclusion in the aquatic preserve system under the Florida Aquatic Preserve Act of 1975; prescribing boundaries; providing an effective date.

—was read the second time by title. On motion by Senator Spicola, by two-thirds vote SB 1451 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Brantley	Holloway	Poston	Tobiassen
Childers, D.	Johnston	Renick	Trask
Deeb	Lane, J.	Saunders	Vogt
Firestone	Lewis	Scarborough	Ware
Gallen	MacKay	Sims	Wilson
Glisson	McClain	Spicola	Winn
Gordon	Myers	Stolzenburg	Zinkil
Hair	Peterson	Thomas, J.	
Henderson	Plante	Thomas, P.	

Nays—None

Vote after roll call:

Yea—Childers, W. D.

Consideration of SB 1188 was deferred.

HB 625 (cs)—A bill to be entitled An act relating to the Board of Tax Adjustment; amending s. 196.194(2), Florida Statutes; providing that public notice of the board shall not include those exemptions granted or denied wholly or partially, pursuant to s. 196.031, s. 196.081, s. 196.091, s. 196.101, or s. 196.202, Florida Statutes, but that a list of such exemptions shall be maintained by the property appraiser and made available to the public; providing an effective date.

—was read the second time by title.

Senator Vogt offered the following amendments which were adopted:

Amendment 1—On page 2, line 5, insert: (after 196.101,) s. 196.199,

Amendment 2—On page 1 in title, line 9, insert: (after s. 196.101,) s. 196.199,

On motion by Senator Vogt, by two-thirds vote HB 625 (cs) as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—31

Brantley	Graham	McClain	Spicola
Childers, D.	Hair	Myers	Stolzenburg
Deeb	Henderson	Peterson	Thomas, J.
Dunn	Holloway	Poston	Trask
Firestone	Johnston	Renick	Vogt
Gallen	Lane, D.	Saunders	Winn
Glisson	Lane, J.	Sayler	Zinkil
Gordon	Lewis	Sims	

Nays—2

MacKay Thomas, P.

Votes after roll call:

Yeas—Childers, W. D., and Tobiassen

Yea to Nay—Graham

HB 895—A bill to be entitled An act relating to service of process; amending s. 48.021, Florida Statutes, authorizing the Governor to appoint special process servers who meet specified requirements to serve process in certain counties in the state; requiring a bond; providing a penalty; amending s. 113.07(2), Florida Statutes, exempting such special process servers from certain bonding requirements; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Civil offered the following amendments which were moved by Senator Myers and adopted:

Amendment 1—On page 2, strike everything on lines 7-10 and insert: and

Amendment 2—On page 2, line 18, strike “who” and insert: shall be disinterested in any process he serves and if he

Senator Myers moved the following amendments which were adopted:

Amendment 3—On page 1, line 24, strike “The Governor may” and insert: The sheriff of each county shall

Amendment 4—On pages 1 and 2, line 27 on page 1 and line 1 on page 2, strike “Governor” and insert: sheriff

The Committee on Judiciary-Civil offered the following amendment which was moved by Senator Myers and adopted:

Amendment 5—On page 1 in title, lines 6-8, strike “who meet specified requirements to serve process in certain counties in the state” and insert: to serve process in the state

On motion by Senator Myers, by two-thirds vote HB 895 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—31

Brantley	Holloway	Peterson	Thomas, J.
Childers, D.	Johnston	Plante	Thomas, P.
Dunn	Lane, D.	Renick	Trask
Gallen	Lane, J.	Saunders	Vogt
Gordon	Lewis	Sayler	Ware
Graham	MacKay	Sims	Winn
Hair	McClain	Spicola	Zinkil
Henderson	Myers	Stolzenburg	

Nays—1

Wilson

Votes after roll call:

Yeas—Childers, W. D., and Tobiassen

Consideration of SB 223 was deferred.

SB 406 was taken up, together with, by the Committee on Natural Resources and Conservation and Senators Peterson and Lewis, CS for SB 406 which was read the first time by title and SB 406 was laid on the table.

Pending further consideration of CS for SB 406, on motions by Senator Peterson, by two-thirds vote HB 3075 was withdrawn from the Committees on Agriculture and Natural Resources and Conservation and placed on the calendar. On motion by Senator Peterson—

HB 3075—A bill to be entitled An act relating to pollution control; amending s. 403.031(4), Florida Statutes; providing an exemption from the definition of "contaminant"; amending s. 403.121(2)(a), Florida Statutes; exempting certain persons from administrative proceedings to establish liability for pollution damage; providing an effective date.

—a companion measure to CS for SB 406 was substituted therefor and by two-thirds vote was read the second time by title.

Senator Peterson moved the following amendments which were adopted:

Amendment 1—On page 1, strike all after the enacting clause and insert: Section 1. Subsection (4) is added to section 403.141, Florida Statutes, to read:

403.141 Civil liability; joint and several liability.—

(4) The damage provisions of this section shall not apply to damage resulting from the application of state approved chemicals in the waters in the state for the control of aquatic weeds or algae; provided the application of such chemicals is done in accordance with state standards for such application, state permit requirements, and the label instructions approved by the state, and provided said application is not done negligently.

Section 2. Subsection (1) of section 403.088, Florida Statutes, is amended to read:

403.088 Water pollution operation permits; temporary permits; conditions.—

(1) No person, without written authorization of the department, shall discharge into waters within the state any waste which, by itself or in combination with the wastes of other sources, reduces the quality of the receiving waters below the classification established for them; except that the department is authorized to permit the discharge into waters of the state, chemicals approved by the appropriate state agency for the control of aquatic weeds or algae, provided that the application of such chemicals is done in accordance with the state standards for such application, state permit requirements, and the label instructions approved by the state.

Section 3. This act shall take effect October 1, 1976.

Amendment 2—On page 1 in title, strike all before the enacting clause and insert: A bill to be entitled An act relating to pollution control; adding s. 403.141(4), Florida Statutes; exempting application of certain chemicals from liability for damages; amending s. 403.088(1), Florida Statutes; providing for permits to be issued by the department for application of certain chemicals for weed and pest control; providing an effective date.

On motion by Senator Peterson, by two-thirds vote HB 3075 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Childers, D.	Lane, D.	Renick	Tobiassen
Deeb	Lane, J.	Saunders	Trask
Dunn	Lewis	Sayler	Vogt
Firestone	MacKay	Scarborough	Ware
Gallen	McClain	Sims	Wilson
Gordon	Myers	Spicola	Winn
Hair	Peterson	Stolzenburg	Zinkil
Henderson	Plante	Thomas, J.	
Johnston	Poston	Thomas, P.	

Nays—None

Vote after roll call:

Yea—Childers, W. D.

CS for SB 406 was laid on the table.

SB 1164—A bill to be entitled An act relating to food products having the semblance of milk or milk products; amending s. 502.161, Florida Statutes; redefining the term industry trade products to include all food products having the semblance of milk or a milk product; providing labeling requirements for such products; providing that industry trade products shall comply with certain health standards; requiring a permit for engaging in the manufacture, distribution, or sale of industry trade products; providing an effective date.

—was read the second time by title. On motion by Senator J. Lane, by two-thirds vote SB 1164 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Deeb	Lane, D.	Renick	Tobiassen
Dunn	Lane, J.	Saunders	Trask
Firestone	Lewis	Scarborough	Vogt
Gordon	MacKay	Sims	Ware
Hair	McClain	Spicola	Wilson
Henderson	Peterson	Stolzenburg	Winn
Holloway	Plante	Thomas, J.	Zinkil
Johnston	Poston	Thomas, P.	

Nays—None

Votes after roll call:

Yeas—Childers, W. D., and Glisson

SB 1119—A bill to be entitled An act relating to public beaches; creating ss. 125.0106, 166.261, Florida Statutes; prohibiting municipalities and counties from charging fees to public beaches; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendments which were moved by Senator Plante and adopted:

Amendment 1—On page 1, lines 15 and 16 and lines 20 and 21, strike "use of, or to gain access to, a" and insert: admission to a salt water

Amendment 2—On page 1, lines 16 and 21, after the word "beach" on both lines insert: the word "itself"

Amendment 3—On page 1 in title, line 7, strike the word "to" and after the word "fee" insert: for admission to salt water

On motion by Senator Scarborough, by two-thirds vote SB 1119 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

Childers, D.	Holloway	Plante	Thomas, P.
Deeb	Johnston	Poston	Tobiassen
Dunn	Lane, D.	Renick	Trask
Firestone	Lane, J.	Scarborough	Vogt
Gallen	Lewis	Sims	Ware
Gordon	MacKay	Spicola	Wilson
Hair	McClain	Stolzenburg	Winn
Henderson	Peterson	Thomas, J.	

Nays—None

Votes after roll call:

Yeas—Childers, W. D., and Glisson

SB 505—A bill to be entitled An act relating to motor vehicle licenses; amending s. 320.13(1), Florida Statutes; providing for use of dealer tags on motor vehicles while in inventory and for sale; correcting a cross-reference; providing an effective date.

—was read the second time by title. On motion by Senator Scarborough, by two-thirds vote SB 505 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Childers, D.	Johnston	Poston	Tobiassen
Deeb	Lane, D.	Renick	Trask
Dunn	Lane, J.	Sayler	Vogt
Firestone	Lewis	Scarborough	Ware
Gallen	MacKay	Sims	Wilson
Gordon	McClain	Spicola	Winn
Hair	Myers	Stolzenburg	Zinkil
Henderson	Peterson	Thomas, J.	
Holloway	Plante	Thomas, P.	

Nays—None

Votes after roll call:

Yeas—Childers, W. D., and Glisson

Consideration of SB 241 was deferred.

SB 324—A bill to be entitled An act relating to physical fitness; creating the Florida Governor's Commission on Physical Fitness; providing for membership, terms, powers and duties of the commission; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendment which was moved by Senator Sayler and adopted:

Amendment 1—On page 4, line 10, after the word "act" insert: , but shall not be funded from General Revenue sources of the State of Florida

Senator Sayler moved the following amendment which was adopted:

Amendment 2—On page 3, line 4, strike subsection (5) in its entirety and renumber subsequent subsections.

The Committee on Governmental Operations offered the following amendment which was moved by Senator Sayler and adopted:

Amendment 3—On page 1 in title, line 7, after the semicolon (;) insert: providing that the Commission shall not be funded by Florida General Revenue;

On motion by Senator Sayler, by two-thirds vote SB 324 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29

Brantley	Johnston	Renick	Tobiassen
Childers, D.	Lane, J.	Saunders	Trask
Childers, W. D.	Lewis	Sayler	Vogt
Dunn	MacKay	Sims	Winn
Firestone	McClain	Spicola	Zinkil
Gallen	Peterson	Stolzenburg	
Glisson	Plante	Thomas, J.	
Holloway	Poston	Thomas, P.	

Nays—5

Deeb	Lane, D.	Myers	Wilson
Henderson			

Vote after roll call:

Yea—Hair

SB 1219—A bill to be entitled An act relating to drivers' licenses; amending s. 322.251, Florida Statutes, providing that the failure of a licensee to receive notice by mail of cancellation, suspension, or revocation of his license shall not affect the effective date of the cancellation, suspension, or revocation; providing for proof of giving notice; requiring the licensee to return his license and providing the effect of his failure to do so; amending s. 322.262(4), Florida Statutes, providing that a trial by jury for persons charged with driving while intoxicated shall be according to the Florida Rules of Criminal Procedure;

amending s. 322.272, Florida Statutes, providing that the filing of a petition for certiorari in court may, rather than shall, stay the cancellation, suspension, or revocation; adding subsections (3) and (4) to s. 322.28, Florida Statutes, imposing an additional suspension or delay before issuance of new license for persons convicted of driving while license is suspended or revoked; extending the beginning of a period of a suspension or revocation until the licensee surrenders his license or his license expires; amending s. 322.34(1), Florida Statutes, expanding the application of provisions relating to driving while license is suspended or revoked; repealing s. 322.27(2)(e), Florida Statutes, removing provisions exempting 36 month old convictions from being counted under the point system; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Criminal offered the following amendments which were moved by Senator Stolzenburg and adopted:

Amendment 1—On pages 2 and 3, strike lines 8-30 on page 2 strike lines 1-18 on page 3 and renumber remaining sections

Amendment 2—On page 4, line 4, strike lines 4-9 and insert: certiorari to the circuit court does not itself stay the enforcement of the suspension, revocation, or cancellation of license. The department may order, a stay of enforcement upon appropriate terms and conditions. shall operate as a supersedeas of such suspension, revocation or cancellation, except when same is based on the offense of driving or being in actual physical control of a motor vehicle under the influence of intoxicating liquor or narcotic drugs.

The Committee on Transportation offered the following amendment which was moved by Senator Stolzenburg and adopted:

Amendment 3—On page 3, strike lines 25-26 and insert: (4) Any person charged with driving a motor vehicle while under the

The Committee on Judiciary-Criminal offered the following amendment which was moved by Senator Stolzenburg and adopted:

Amendment 4—On page 1 in title, strike lines 4-13 and insert: An Act relating to drivers' licenses; amending s. 332.262(4), Florida

On motion by Senator Stolzenburg, by two-thirds vote SB 1219 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29

Brantley	Holloway	Plante	Thomas, P.
Childers, D.	Johnston	Poston	Tobiassen
Childers, W. D.	Lane, D.	Renick	Trask
Deeb	Lane, J.	Sayler	Winn
Dunn	Lewis	Sims	Zinkil
Firestone	MacKay	Spicola	
Gallen	McClain	Stolzenburg	
Henderson	Peterson	Thomas, J.	

Nays—None

Votes after roll call:

Yeas—Glisson and Hair

On motion by Senator Stolzenburg the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed SB 871.

Allen Morris, Clerk

The bill was ordered enrolled.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed HB 3980 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Agriculture & General Legislation and Representative Clem—

HB 3980—A bill to be entitled An act relating to the citrus code; creating s. 601.091, Florida Statutes, defining "interior" and "Indian River" citrus production areas of the state; protecting against improper area identification of citrus; providing an exemption; providing an effective date.

—was read the first time by title. On motion by Senator Stolzenburg, the rules were waived and the bill was placed on the calendar.

Consent Calendar, continued

SB 556 was taken up and on motion by Senator Stolzenburg, HB 3980, a companion measure was substituted therefor. On motions by Senator Stolzenburg, by two-thirds vote HB 3980 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Brantley	Holloway	Plante	Thomas, P.
Childers, D.	Johnston	Poston	Tobiassen
Childers, W. D.	Lane, D.	Renick	Trask
Deeb	Lane, J.	Sayler	Ware
Firestone	Lewis	Sims	Winn
Gallen	MacKay	Spicola	Zinkil
Graham	McClain	Stolzenburg	
Henderson	Peterson	Thomas, J.	

Nays—None

Vote after roll call:

Yea—Hair

SB 556 was laid on the table.

SB 624—A bill to be entitled An act relating to bond of county tax collectors; amending ss. 137.02, and 193.116(2), Florida Statutes; providing that bond given by county tax collectors be specifically conditioned to account for municipal taxes collected by the tax collector; removing the requirement for a separate bond for municipal taxes; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendments which were moved by Senator Johnston and adopted:

Amendment 1—On page 1, line 23, strike "municipal" and insert: "all"

Amendment 2—On page 1 in title, line 9, strike "municipal" and insert: "all"

On motion by Senator Johnston, by two-thirds vote SB 624 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Brantley	Graham	McClain	Spicola
Childers, D.	Henderson	Myers	Stolzenburg
Childers, W. D.	Holloway	Peterson	Thomas, J.
Deeb	Johnston	Plante	Thomas, P.
Dunn	Lane, D.	Poston	Tobiassen
Firestone	Lane, J.	Renick	Trask
Gallen	Lewis	Saunders	Ware
Gordon	MacKay	Sayler	Zinkil

Nays—None

Votes after roll call:

Yeas—Glisson, Hair and Sims

SB 583—A bill to be entitled An act relating to civil and criminal actions against law enforcement officers; providing a definition; providing for payment of legal costs and attorney's fees in certain situations; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendments which were moved by Senator Johnston and adopted:

Amendment 1—On page 1, line 15, after the word "thereof" insert: or any deputy sheriff

Amendment 2—On page 1, line 22, after the word "state" insert: when the action arose out of the performance of his official duties and

Amendment 3—On page 1, line 22, strike "in the state"

On motion by Senator Johnston, by two-thirds vote SB 583 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

Brantley	Gordon	MacKay	Thomas, J.
Childers, D.	Graham	McClain	Thomas, P.
Childers, W. D.	Henderson	Peterson	Tobiassen
Deeb	Holloway	Plante	Trask
Dunn	Johnston	Poston	Ware
Firestone	Lane, D.	Renick	Zinkil
Gallen	Lane, J.	Spicola	
Glisson	Lewis	Stolzenburg	

Nays—None

Votes after roll call:

Yeas—Hair and Sims

SB 1194—A bill to be entitled An act relating to the sale of liquefied petroleum gas and the sale, manufacture, or installation of liquefied petroleum equipment or appliances; amending s. 557.02(1), Florida Statutes; providing for an increase in license fees for manufacturers of appliances for use with liquefied petroleum gas, for dealers in liquefied petroleum gas only, for persons installing equipment or appliances, and for dealers in liquefied gas, appliances using such gas, and installation; providing an effective date.

—was read the second time by title. On motion by Senator Ware, by two-thirds vote SB 1194 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Brantley	Graham	McClain	Thomas, J.
Childers, D.	Henderson	Myers	Thomas, P.
Childers, W. D.	Holloway	Peterson	Tobiassen
Dunn	Johnston	Plante	Trask
Firestone	Lane, D.	Poston	Ware
Gallen	Lane, J.	Renick	Zinkil
Glisson	Lewis	Spicola	
Gordon	MacKay	Stolzenburg	

Nays—None

Vote after roll call:

Yea—Sims

SB 932—A bill to be entitled An act relating to labor; prohibiting the employment of aliens who do not have federal authorization to work; authorizing detention of persons believed to be involved in smuggling or transporting such aliens

for the purpose of employment, including any such alien; prohibiting any person from aiding, abetting, counseling, recruiting, or procuring for employment an alien who is not authorized by the Federal Government to work in the United States; providing penalties; providing an effective date.

—was read the second time by title. On motion by Senator Ware, by two-thirds vote SB 932 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Brantley	Henderson	Peterson	Thomas, P.
Childers, D.	Holloway	Plante	Tobiassen
Childers, W. D.	Johnston	Poston	Trask
Dunn	Lane, D.	Renick	Vogt
Firestone	Lane, J.	Sayler	Ware
Gallen	Lewis	Sims	Winn
Glisson	MacKay	Spicola	Zinkil
Graham	McClain	Stolzenburg	
Hair	Myers	Thomas, J.	

Nays—None

On motion by Senator Renick, the rules were waived and by two-thirds vote HCR 3107 was withdrawn from the Committee on Rules and Calendar and placed on the calendar.

SCR 745 was taken up and on motion by Senator Renick—

HCR 3107—A concurrent resolution commending the National Bicycling Foundation for its good works.

—a companion measure was substituted therefor and read the second time in full. On motion by Senator Renick, HCR 3107 was adopted and certified to the House. The vote on adoption was:

Yeas—31

Brantley	Hair	Peterson	Thomas, J.
Childers, D.	Henderson	Plante	Thomas, P.
Childers, W. D.	Holloway	Poston	Tobiassen
Dunn	Lane, D.	Renick	Trask
Firestone	Lane, J.	Saunders	Vogt
Gallen	Lewis	Sims	Ware
Glisson	MacKay	Spicola	Zinkil
Graham	McClain	Stolzenburg	

Nays—None

SCR 745 was laid on the table.

On motion by Senator Renick the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed HB 3773 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Freeman—

HB 3773—A bill to be entitled An act relating to jurors and jury lists; creating s. 40.015, Florida Statutes, authorizing certain counties to create jury districts for the selection of jury lists under certain circumstances; providing an effective date.

—was read the first time by title. On motion by Senator Renick, the rules were waived and the bill was placed on the calendar.

Consent Calendar, continued

SB 883 was taken up and on motion my Senator Renick, HB 3773, a companion measure was substituted therefor. On motions by Senator Renick, by two-thirds vote HB 3773

was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Brantley	Hair	Peterson	Stolzenburg
Childers, D.	Henderson	Plante	Thomas, J.
Childers, W. D.	Holloway	Poston	Thomas, P.
Dunn	Johnston	Renick	Tobiassen
Firestone	Lane, D.	Saunders	Trask
Gallen	Lane, J.	Scarborough	Vogt
Glisson	Lewis	Sims	Ware
Graham	McClain	Spicola	Winn

Nays—None

SB 883 was laid on the table.

SB 483—A bill to be entitled An act relating to motor vehicle safety inspection stations; adding s. 325.20(3), Florida Statutes; requiring the Department of Highway Safety and Motor Vehicles to specify the number of inspection lanes which inspection stations must maintain; providing an effective date.

—was read the second time by title.

The Committee on Transportation offered the following amendments which were moved by Senator Poston and adopted:

Amendment 1—On page 1, strike lines 22 and 23 and insert: *in a given county, the department shall be governed by the number of registered vehicles in the county and by the population density and anticipated population growth of the county.*

Amendment 2—On page 1, strike line 18 and insert: *(3) the department shall specify the necessary corrective measures or the number of*

Amendment 3—On page 1, line 18, strike the word "specify" and insert: *recommend*

Amendment 4—On page 1 in title, line 7, strike "specify" and insert: *recommend necessary corrective measures or*

On motion by Senator Poston, by two-thirds vote SB 483 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Brantley	Henderson	Peterson	Thomas, J.
Childers, D.	Holloway	Plante	Thomas, P.
Childers, W. D.	Johnston	Poston	Tobiassen
Dunn	Lane, D.	Renick	Trask
Firestone	Lane, J.	Saunders	Ware
Gallen	Lewis	Scarborough	Wilson
Glisson	MacKay	Sims	Winn
Graham	McClain	Spicola	Zinkil
Hair	Myers	Stolzenburg	

Nays—None

SB 988—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.052(1)(c), Florida Statutes, including judges of any metropolitan court established pursuant to s. 6 of Art. VIII of the State Constitution within a list of members of the Elected State Officers' Class of the Florida Retirement System who may purchase additional retirement credit for service prior to January 1, 1973, upon the payment of specified amounts; providing an effective date.

—was read the second time by title. On motion by Senator Poston, by two-thirds vote SB 988 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Brantley	Deeb	Gallen	Hair
Childers, D.	Dunn	Glisson	Henderson
Childers, W. D.	Firestone	Graham	Holloway

Johnston	McClain	Spicola	Trask
Lane, D.	Myers	Stolzenburg	Vogt
Lane, J.	Poston	Thomas, J.	Winn
Lewis	Renick	Tobiassen	Zinkil

Nays—7

Peterson	Saunders	Thomas, P.	Wilson
Plante	Sims	Ware	

SB 449—A bill to be entitled An act relating to the Motor Vehicle Sales Finance Act; amending s. 520.03(3), Florida Statutes; requiring a retail installment seller of motor vehicles to pay only one license fee per county if more than one location of his business is in the same county; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote SB 449 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

Childers, D.	Johnston	Peterson	Thomas, P.
Childers, W. D.	Lane, D.	Plante	Tobiassen
Glisson	Lane, J.	Renick	Trask
Graham	Lewis	Saunders	Vogt
Hair	MacKay	Saylor	Ware
Henderson	McClain	Sims	Wilson
Holloway	Myers	Thomas, J.	

Nays—1

Spicola

SB 1373—A bill to be entitled An act relating to fine arts; authorizing the Division of Cultural Affairs of the Department of State to accept and administer state appropriations for fine art grants; providing for use and expenditure of funds; providing limitations on grants; repealing s. 265.29(5), Florida Statutes, relating to expenditures of funds by the Fine Arts Council; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote SB 1373 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Brantley	Hair	Myers	Tobiassen
Childers, D.	Henderson	Peterson	Trask
Childers, W. D.	Holloway	Plante	Vogt
Deeb	Johnston	Poston	Ware
Dunn	Lane, D.	Saylor	Wilson
Firestone	Lane, J.	Sims	Winn
Gallen	Lewis	Spicola	Zinkil
Glisson	MacKay	Stolzenburg	
Graham	McClain	Thomas, P.	

Nays—1

Renick

Consideration of SB 561 was deferred.

SB 678—A bill to be entitled An act relating to dentistry and dental hygiene; amending s. 466.13, Florida Statutes; lowering the age requirement to apply for a license as a dentist; authorizing a fee to cover the costs of administering the exhibition of competency in manual skills; amending s. 466.19(2), Florida Statutes; increasing fees for duplicate certificates; amending ss. 466.20, 466.39, Florida Statutes; imposing application fees for dentists and dental hygienists; increasing the fee for annual renewal of certificates for dental hygienists; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendments which were moved by Senator Hair and adopted:

Amendment 1—On page 3, line 9, strike "\$50" and insert: \$75

Amendment 2—On page 3, line 11, strike "\$25" and insert: \$35

Senator Hair moved the following amendments which were adopted:

Amendment 3—On page 4, line 25 strike all of said line and insert: Section 4. 466.08 Organization, powers, duties, etc., of board.—The board shall exercise, subject to the provisions of this chapter the following powers and duties:

(1) The board shall organize annually by electing one of its members as chairman, one as vice-chairman, and one as secretary-treasurer. The board may appoint or employ such other personnel, including, but not limited to, an executive director as may be necessary to assist the board in doing and performing all of its powers, duties, and obligations as set forth in this act; provided, however, that all duties and responsibilities delegated to the executive director by this act or by the board shall be performed by the executive director under the direction and authorization of the board. ~~The executive director shall be a graduate of an accredited college of dentistry.~~ The board shall adopt such rules for its government as it may deem proper and shall adopt and use a corporate seal. It shall meet at least once a year, and more frequently if necessary, at such times and places as it may from time to time designate.

Section 5. This act shall take effect October 1, 1976.

Amendment 4—On page 1, line 16 strike all of said line and insert: removing the requirement that the executive director of the board be a graduate of a dental school; providing an effective date.

On motion by Senator Hair, by two-thirds vote SB 678 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Brantley	Henderson	Plante	Tobiassen
Childers, D.	Holloway	Poston	Trask
Childers, W. D.	Johnston	Renick	Vogt
Dunn	Lane, D.	Saylor	Ware
Firestone	Lane, J.	Sims	Wilson
Gallen	Lewis	Spicola	Winn
Glisson	MacKay	Stolzenburg	Zinkil
Graham	McClain	Thomas, J.	
Hair	Peterson	Thomas, P.	

Nays—None

SB 439—A bill to be entitled An act relating to negligence actions; amending s. 768.31(3)(a), Florida Statutes; providing that relative degrees of fault shall be the basis for allocation of liability in determining the pro rata shares for contribution among tortfeasors; providing an effective date.

—was read the second time by title. On motion by Senator Dunn, by two-thirds vote SB 439 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Brantley	Hair	Plante	Tobiassen
Childers, D.	Henderson	Poston	Trask
Childers, W. D.	Holloway	Renick	Vogt
Deeb	Johnston	Saunders	Ware
Dunn	Lane, D.	Saylor	Wilson
Firestone	Lane, J.	Sims	Winn
Gallen	Lewis	Spicola	Zinkil
Glisson	MacKay	Stolzenburg	
Gordon	McClain	Thomas, J.	
Graham	Peterson	Thomas, P.	

Nays—None

On motion by Senator Tobiasen the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 2710 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Clark and others—

HB 2710—A bill to be entitled An act relating to state retirement systems; amending s. 112.362(1) and (3), Florida Statutes, extending a monthly minimum benefit recomputation figure to certain members of state retirement systems and providing that the benefit shall be retroactive; adding a subsection (4) to s. 112.362, F.S., providing for an increase in the monthly benefit recomputation figure for members who retired under a retirement plan or system which did not provide social security coverage; providing for funding; providing an effective date.

—was read the first time by title. On motion by Senator Tobiasen, the rules were waived and the bill was placed on the calendar.

Consent Calendar, continued

SB 273 was taken up and on motion by Senator Tobiasen, HB 2710, a companion measure was substituted therefor. On motions by Senator Tobiasen, by two-thirds vote HB 2710 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Brantley	Hair	Peterson	Thomas, J.
Childers, D.	Henderson	Plante	Thomas, P.
Childers, W. D.	Holloway	Poston	Tobiasen
Deeb	Johnston	Renick	Trask
Dunn	Lane, D.	Sayler	Vogt
Firestone	Lane, J.	Scarborough	Ware
Gallen	Lewis	Sims	Wilson
Glisson	MacKay	Spicola	Winn
Graham	McClain	Stolzenburg	Zinkil

Nays—None

SB 273 was laid on the table.

SB 611—A bill to be entitled An act relating to oil and gas resources; amending s. 377.22(2)(f), (h), Florida Statutes; changing the requirements upon which a bond required to drill for oil or gas may be conditioned; requiring logs of oil and gas wells to be filed with the Bureau of Geology; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendment which was moved by Senator W. D. Childers and adopted:

Amendment 1—On page 2, line 7, strike "same contour and" and insert: *similar contour and general*

On motion by Senator W. D. Childers, by two-thirds vote SB 611 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Brantley	Childers, W. D.	Gallen	Gordon
Childers, D.	Firestone	Glisson	Graham

Hair	MacKay	Scarborough	Vogt
Henderson	McClain	Sims	Ware
Holloway	Peterson	Stolzenburg	Wilson
Johnston	Plante	Thomas, J.	Winn
Lane, D.	Poston	Thomas, P.	Zinkil
Lane, J.	Renick	Tobiasen	
Lewis	Sayler	Trask	

Nays—None

On motion by Senator Wilson the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 3612 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Gordon and others—

HB 3612—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; providing for subsidizing the adoption of special needs children; providing legislative intent; providing definitions; providing for administration; providing for a report to the Legislature; providing for eligibility; providing for waiver of adoption fees; providing an effective date.

—was read the first time by title. On motion by Senator Wilson, the rules were waived and the bill was placed on the calendar.

Consent Calendar, continued

SB 886 was taken up and on motion by Senator Wilson, HB 3612, a companion measure was substituted therefor. On motions by Senator Wilson, by two-thirds vote HB 3612 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Brantley	Hair	Plante	Tobiasen
Childers, D.	Henderson	Poston	Trask
Childers, W. D.	Holloway	Renick	Ware
Deeb	Johnston	Sayler	Wilson
Firestone	Lane, D.	Sims	Winn
Gallen	Lane, J.	Spicola	Zinkil
Glisson	Lewis	Stolzenburg	
Gordon	MacKay	Thomas, J.	
Graham	Peterson	Thomas, P.	

Nays—None

Vote after roll call:

Yea—McClain

SB 886 was laid on the table.

SB 965—A bill to be entitled An act relating to the naming of state bridges; authorizing and directing the Department of Transportation to name that portion of State Road 518 which spans the Indian River in Brevard County the Eau Gallie Causeway; directing the department to prepare and locate appropriate signs and markers; providing an effective date.

—was read the second time by title.

The Committee on Transportation offered the following amendment which was moved by Senator Wilson and adopted:

Amendment 1—On page 1 in title, strike line 4 and insert: An act relating to the naming of state roads;

On motion by Senator Wilson, by two-thirds vote SB 965 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Brantley	Henderson	Poston	Thomas, P.
Childers, D.	Holloway	Renick	Trask
Dunn	Johnston	Saunders	Vogt
Firestone	Lane, D.	Saylor	Ware
Gallen	Lane, J.	Scarborough	Wilson
Glisson	Lewis	Sims	Winn
Gordon	MacKay	Spicola	Zinkil
Graham	Peterson	Stolzenburg	
Hair	Plante	Thomas, J.	

Nays—1

McClain

Votes after roll call:

Yeas—Childers, W. D., and Tobiasen

Nay to yeas—McClain

SB 1417—A bill to be entitled An act relating to the Florida Probate Code; amending s. 731.108, Florida Statutes; providing that any interested person may waive any right given him under the code and may dispense with the filing of any document required to be filed; amending s. 731.110, Florida Statutes; providing for the filing of a caveat with the court; amending s. 731.201(2), Florida Statutes; defining "beneficiary"; amending s. 731.301(1)(c), (2)(b), Florida Statutes; providing for proof of service by verified statement; amending s. 731.303(2), (4), Florida Statutes; providing that orders binding holders of a general power of appointment binds other persons to the extent that their interests are subject to the power; prescribing when notice must be given; amending s. 732.106, Florida Statutes; providing that relatives conceived before but born after decedent's death may inherit intestate property; amending s. 732.205, Florida Statutes; deleting reference to dower rights as regards Florida property of a decedent not domiciled in Florida; amending s. 732.301(1), Florida Statutes; providing for waiver by spouse of share of decedent's estate; amending s. 732.402, Florida Statutes; providing that rights to exempt property have priority over all claims against the estate other than a perfected security interest in any item of exempt property; amending s. 732.502(1), Florida Statutes; providing method for execution of a will; amending s. 732.503, Florida Statutes; providing for the notary seal on affidavits of witnesses to wills; amending s. 732.505(1), Florida Statutes; providing for revocation of a will or codicil by a subsequent inconsistent will or codicil; amending s. 732.702(1), Florida Statutes; providing for the waiver of certain rights by the surviving spouse; amending s. 732.801(2)(a), (4)(b), Florida Statutes; delineating the scope of a beneficiary's right to disclaim; providing that any disclaimer is effective and irrevocable when filed for record; amending s. 732.803(1), Florida Statutes; providing for avoidance of charitable devises; amending s. 733.103, Florida Statutes; providing that the probate of a will in Florida shall be conclusive of certain facts in any collateral action relating to devised property; amending s. 733.109(1), Florida Statutes; providing for revocation of probate; amending s. 733.202(3), Florida Statutes; prescribing the contents of a petition for administration when the decedent is a nonresident of this state; amending s. 733.203(1), Florida Statutes; providing for notice of the filing of a petition; amending s. 733.301(5), Florida Statutes; prescribing the order of preference in appointment of personal representatives; amending s. 733.303, Florida Statutes; providing that if a person named as personal representative in a will is not qualified, letters shall be granted as provided in s. 733.301, Florida Statutes; amending s. 733.402(1), Florida Statutes; prescribing a bond of the personal representative; amending s. 733.502, Florida Statutes; providing that acceptance of the resignation of a personal representative shall not exonerate him from liability previously incurred; amending s. 733.507, Florida Statutes; prescribing the procedure for appointment of a successor personal representative when a personal representative has resigned or has been removed; amending s. 733.602(1), Florida Statutes; directing the personal representative to use his authority for the best interests of interested persons; amending s. 733.607, Florida Statutes; exempting the homestead from the possession of the personal representative; amending s. 733.608, Florida Statutes; exempting the homestead from the control of the personal representative; amending s. 733.611, Florida Statutes; protecting persons who assist or deal with a personal representative as if the personal representative properly exercised his power; amend-

ing s. 733.612, Florida Statutes; authorizing transactions for the personal representative; amending s. 733.619(1), (3), Florida Statutes; providing for individual liability of the personal representative; amending s. 733.701, Florida Statutes; prescribing notice to creditors; amending s. 733.705(4), Florida Statutes; providing that no interest shall be paid or allowed on a claim until the expiration of 5 calendar months from first publication of the notice of administration; amending s. 733.707, Florida Statutes; providing for order of payment of the expenses of administration and the obligations of the estate; amending s. 733.710, Florida Statutes; providing a 3-year limitation on actions against unadministered estates; providing an exception for recorded liens and liens of persons in possession of personal property; amending s. 733.802(1), Florida Statutes; providing for compulsory payment to beneficiaries of certain distributive interests; amending s. 733.808(2), Florida Statutes; providing for the disposition of death benefits; amending s. 733.809, Florida Statutes; providing that indebtedness of a beneficiary to the estate may be offset by his distributive interest in the estate; amending s. 733.810(2), Florida Statutes, and adding subsection (3) to said section; providing for distribution in kind; authorizing the personal representative or trustee to make such distribution; amending s. 733.817(1)(b), (c), Florida Statutes; providing for the apportionment of estate taxes; amending s. 733.901(1), Florida Statutes; providing for distribution and for final discharge; amending ss. 734.102(2), (3) and 734.103(1), (2), Florida Statutes; providing for the administration of the estate of a nonresident decedent; amending s. 734.104(1), (2), Florida Statutes; providing for the admittance to record of foreign wills; amending s. 735.107(3)(d), (e), Florida Statutes; providing clarification as to which property is still liable for claims against the decedent after order of family administration; creating s. 735.2055, Florida Statutes; providing that a petition for summary administration may be filed at any time if the estate would qualify; amending s. 735.206(3)(d), (e), Florida Statutes; providing clarification as to which property is still liable for claims against the decedent after order of summary administration; amending s. 735.209(2), Florida Statutes; requiring notice of the petition for summary administration to beneficiaries not joining or consenting thereto; amending s. 735.301(1), Florida Statutes; providing for disposition without administration; amending s. 735.302(1), Florida Statutes; providing for refund of income taxes of the decedent in certain cases on a verified application; repealing s. 731.302, Florida Statutes, relating to waiver of notice and consent to proceedings under the code; providing an effective date.

—was read the second time by title. On motion by Senator Gallen, by two-thirds vote SB 1417 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Brantley	Henderson	Plante	Thomas, J.
Childers, D.	Holloway	Poston	Thomas, P.
Deeb	Johnston	Renick	Trask
Dunn	Lane, D.	Saunders	Vogt
Firestone	Lane, J.	Saylor	Ware
Gallen	Lewis	Scarborough	Wilson
Gordon	MacKay	Sims	Winn
Graham	McClain	Spicola	Zinkil
Hair	Peterson	Stolzenburg	

Nays—None

Votes after roll call:

Yeas—Childers, W. D., Glisson and Tobiasen

SB 1408—A bill to be entitled An act relating to guardianship; amending s. 744.337(1), Florida Statutes; providing for a hearing on petition for appointment of guardian without notice if filed at the end of incompetency hearing; amending s. 744.441, Florida Statutes; requiring court approval before a guardian executes any power of appointment or other powers ward might have lawfully exercised, consummated, or exercised, sells, mortgages, or leases homestead property, or makes gifts of property for income tax purposes; amending s. 744.444, Florida Statutes; authorizing the guardian, without court approval, to elect to dissent from a will or assert rights or choices available to a surviving spouse, to deposit and invest liquid assets of the estate, to pay expenses incidental to administration, to sell or exercise stock subscriptions or conversion rights

and consent to reorganization, consolidation, merger, dissolution, or liquidation of a corporation or business, to employ persons to assist in performing guardianship duties, execute instruments to carry out court orders, or to hold a security in the name of a nominee; providing an effective date.

—was read the second time by title. On motion by Senator Gallen, by two-thirds vote SB 1408 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Brantley	Hair	Peterson	Thomas, J.
Childers, D.	Henderson	Poston	Thomas, P.
Deeb	Holloway	Renick	Trask
Dunn	Johnston	Sayler	Vogt
Firestone	Lane, D.	Scarborough	Ware
Gallen	Lane, J.	Sims	Winn
Gordon	MacKay	Spicola	Zinkil
Graham	McClain	Stolzenburg	

Nays—None

Votes after roll call:

Yeas—Childers, W. D., Glisson, Lewis, Tobiassen and Wilson

SB 1387—A bill to be entitled An act relating to trusts; amending s. 737.101, Florida Statutes; deleting provisions relating to the duty to register a trust; amending s. 737.105, Florida Statutes; providing that local qualification by a foreign trustee is not required for purposes of distribution; amending s. 737.201, Florida Statutes; deleting references to registration of a trust; amending s. 737.202, Florida Statutes; deleting references to registration of a trust and providing for venue in principal place of administration; amending s. 737.303(1), Florida Statutes; providing notice of trustee's acceptance and his name and address to current income beneficiaries and vested remaindermen; amending s. 737.304, Florida Statutes; deleting reference to registration and providing that the bond of a trustee be filed in the county where the trust has its principal place of business; amending s. 737.305, Florida Statutes; deleting reference to release of registration; adding s. 737.306(4), Florida Statutes; providing proceedings in which issue of a trustee's liability may be determined; amending s. 737.401, Florida Statutes, deleting the provision authorizing an instrument that is not a trust to incorporate any part of the provisions of trust law by reference; amending s. 737.405, Florida Statutes; clarifying the provision relating to protection of third parties; amending and transferring s. 738.151, Florida Statutes, extending date for final accounting of trust being administered under the Trust Accounting Law; repealing ss. 737.102, 737.103, 737.104, Florida Statutes, relating to registration procedures, effect of registration, and effect of failure to register; providing an effective date.

—was read the second time by title. On motion by Senator Gallen, by two-thirds vote SB 1387 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Brantley	Hair	Peterson	Thomas, J.
Childers, D.	Henderson	Plante	Thomas, P.
Deeb	Holloway	Poston	Tobiassen
Dunn	Johnston	Renick	Trask
Firestone	Lane, D.	Sayler	Vogt
Gallen	Lane, J.	Scarborough	Ware
Glisson	Lewis	Sims	Wilson
Gordon	MacKay	Spicola	Winn
Graham	McClain	Stolzenburg	Zinkil

Nays—None

Vote after roll call:

Yea—Childers, W. D.

On motion by Senator Brantley, the rules were waived and time of adjournment was extended until 5:30 p.m.

Consideration of SB 930 and HB 1300 was deferred.

On motion by Senator Peterson the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 3266 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Nuckolls and others—

HB 3266—A bill to be entitled An act relating to traveling expenses of public employees; adding s. 112.061(3)(e), Florida Statutes, to authorize direct payment of actual expenses for meals and lodging to the vendor under certain circumstances; providing a limitation; providing an exception to the operation of the act; providing an effective date.

—was read the first time by title. On motion by Senator Peterson, the rules were waived and the bill was placed on the calendar.

Consent Calendar, continued

SB 506 was taken up and on motion by Senator Peterson, HB 3266, a companion measure was substituted therefor. On motions by Senator Peterson, by two-thirds vote HB 3266 was read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Brantley	Hair	McClain	Stolzenburg
Childers, D.	Henderson	Peterson	Thomas, J.
Deeb	Holloway	Plante	Thomas, P.
Firestone	Johnston	Poston	Trask
Gallen	Lane, D.	Renick	Vogt
Glisson	Lane, J.	Sayler	Ware
Gordon	Lewis	Sims	Wilson
Graham	MacKay	Spicola	Winn

Nays—None

Votes after roll call:

Yeas—Childers, W. D., and Tobiassen

SB 506 was laid on the table.

SB 864—A bill to be entitled An act relating to pesticides; amending s. 487.041(2), Florida Statutes; providing for an increase in the annual registration fees of pesticide brands; amending s. 487.160, Florida Statutes; requiring commercial and public applicator licensees to maintain records of applications of pesticides for 2 years; providing an effective date.

—was read the second time by title. On motion by Senator Peterson, by two-thirds vote SB 864 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Brantley	Henderson	Peterson	Stolzenburg
Childers, D.	Holloway	Plante	Thomas, J.
Deeb	Johnston	Poston	Thomas, P.
Firestone	Lane, D.	Renick	Trask
Gallen	Lane, J.	Saunders	Vogt
Glisson	Lewis	Sayler	Ware
Gordon	MacKay	Scarborough	Wilson
Graham	McClain	Sims	Winn
Hair	Myers	Spicola	Zinkil

Nays—None

Votes after roll call:

Yeas—Childers, W. D., and Tobiassen

HB 3688—A bill to be entitled An act relating to premium finance companies; amending s. 627.840(3)(b), Florida Statutes, relating to service charges and other charges which a

premium finance company may lawfully collect, increasing the allowable additional charge on premium finance agreements; providing an effective date.

—was read the second time by title.

Senator P. Thomas moved the following amendment which was adopted:

Amendment 1—On page 1, line 22, strike “for any one customer” and insert: in a 12 month period for any one customer unless that customer’s policy has been cancelled due to non payment within the immediately preceding 12 month period.

On motion by Senator P. Thomas, by two-thirds vote HB 3688 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—23

Brantley	Hair	Peterson	Stolzenburg
Childers, D.	Holloway	Plante	Thomas, J.
Firestone	Johnston	Poston	Thomas, P.
Gallen	Lane, J.	Renick	Trask
Glisson	MacKay	Scarborough	Ware
Gordon	McClain	Sims	

Nays—8

Deeb	Henderson	Lewis	Spicola
Graham	Lane, D.	Saunders	Vogt

Votes after roll call:

Yeas—Childers, W. D., and Tobiassen

SB 1146—A bill to be entitled An act relating to the professional and occupational licensing of foreign applicants; adding s. 455.015(4), Florida Statutes; providing a cut-off date for special educational programs and applications for professional and occupational licenses under the provisions of this section; providing for licensing of such applicants after such date pursuant to law or rule of the appropriate board or commission; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendments which were moved by Senator P. Thomas and adopted:

Amendment 1—On page 1, strike all of lines 19-29 and insert: Section 1. Section 455.015, Florida Statutes, created as subsections (13), (14), and (15) of section 20.30, Florida Statutes by chapter 74-105, Laws of Florida, as amended by chapter 75-177, Laws of Florida, is hereby repealed.

Section 2. This act shall take effect January 1, 1978.

Amendment 2—On page 1 in title, strike all of lines 6 through 14 and insert: repealing s. 455.015, F.S., relating to the professional and occupational licensing of foreign applicants; providing an effective date.

On motion by Senator P. Thomas the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 2959 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Redman—

HB 2959—A bill to be entitled An act relating to the licensing of foreign professionals; repealing s. 455.015, Florida Statutes, which requires boards and commissions within the Department of Professional and Occupational Regulation, in

conjunction with the Department of Education, to approve continuing education programs for applicants who are graduates of professional schools in countries other than the United States and which provides, through such programs, for the licensing of foreign professional school graduates; providing an effective date.

—was read the first time by title. On motion by Senator P. Thomas, the rules were waived and the bill was placed on the calendar.

Consent Calendar, continued

Pending further consideration of SB 1146, on motion by Senator P. Thomas, HB 2959, a companion measure was substituted therefor. On motion by Senator P. Thomas, by two-thirds vote HB 2959 was read the second time by title.

Senator P. Thomas moved the following amendment which was adopted:

Amendment 1—On page 1, strike entire line 23 and insert: Section 2. This act shall take effect January 1, 1977; provided, however, that the provisions of this act shall not apply to any person who upon the date of the passage of this act was a resident of the United States and was at any time within twenty years from said date a resident national of the Republic of Cuba. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

On motion by Senator P. Thomas, by two-thirds vote HB 2959 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—37

Brantley	Hair	Plante	Tobiassen
Childers, D.	Henderson	Poston	Trask
Childers, W. D.	Holloway	Renick	Vogt
Deeb	Johnston	Saylor	Ware
Dunn	Lane, D.	Scarborough	Wilson
Firestone	Lane, J.	Sims	Winn
Gallen	Lewis	Spicola	Zinkil
Glisson	MacKay	Stolzenburg	
Gordon	McClain	Thomas, J.	
Graham	Peterson	Thomas, P.	

Nays—None

SB 1146 was laid on the table.

The Senate resumed consideration of—

HB 4147—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending chapter 75-190, Laws of Florida, relating to the department’s authority to establish and require payment of certain charges and fees for services, removing a provision for automatic repeal of the act; providing an effective date.

Senator Gallen moved the following amendments which were adopted:

Amendment 2—On page 3 of Amendment 1, lines 19-31, and on page 4, line 1, strike section 8 and renumber.

Amendment 3—On page 3 of Amendment 1, strike line 3 and insert: Section 7 (1) Upon recordation with the Clerk of the Circuit Court in the county in which the property is located, unpaid fees shall constitute a lien.

Senator Graham moved the following title amendment which was adopted:

Amendment 4—On page 1, strike all of lines 3 through and including line 10 and insert: A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending chapter 75-190, Laws of Florida; relating to

payment of certain fees for services provided by the department; requiring certain persons to be liable for such fees consistent with ability to pay; providing that unpaid fees shall constitute a lien; providing for filing of caveat; deleting the provision that chapter 75-190, Laws of Florida, be repealed July 1, 1976; providing an effective date.

On motion by Senator Graham, by two-thirds vote HB 4147 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—35

Brantley	Graham	McClain	Thomas, P.
Childers, D.	Hair	Peterson	Tobiassen
Childers, W. D.	Henderson	Plante	Trask
Deeb	Holloway	Poston	Vogt
Dunn	Johnston	Renick	Ware
Firestone	Lane, D.	Sims	Wilson
Gallen	Lane, J.	Spicola	Winn
Glisson	Lewis	Stolzenburg	Zinkil
Gordon	MacKay	Thomas, J.	

Nays—None

Senator W. D. Childers moved that the Senate reconsider the vote by which SB 1204 passed this day. The motion was adopted and the bill was placed on the calendar pending roll call.

SB 57 was taken up, together with:

By the Committee on Ways and Means—

CS for CS for SB 57—A bill to be entitled An act relating to supplemental security income; providing for a trust fund; authorizing the Department of Health and Rehabilitative Services to release these funds to counties; providing an appropriation; providing an effective date.

—which was read the first time by title and SB 57 was laid on the table.

On motions by Senator MacKay, by two-thirds vote CS for CS for SB 57 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Brantley	Hair	Plante	Tobiassen
Childers, D.	Henderson	Poston	Trask
Childers, W. D.	Holloway	Renick	Vogt
Deeb	Johnston	Saylor	Ware
Dunn	Lane, D.	Scarborough	Wilson
Firestone	Lane, J.	Sims	Winn
Gallen	Lewis	Spicola	Zinkil
Glisson	MacKay	Stolzenburg	
Gordon	McClain	Thomas, J.	
Graham	Peterson	Thomas, P.	

Nays—None

On motion by Senator Brantley, the rules were waived and time of adjournment was extended until 6:00 p.m.

HB 483 (cs)—A bill to be entitled An act relating to mobile home parks; amending s. 83.695(2), Florida Statutes, 1974 Supplement, requiring that tenants who rent, lease, or occupy real property in a mobile home park be offered a written lease of not less than 12 months duration; adding subsection (8) to s. 83.70, Florida Statutes, 1974 Supplement, prohibiting fees or other charges for invitees of mobile home park tenants; amending s. 83.70(7), Florida Statutes, 1974 Supplement; prohibiting mobile home park owners and operators from reselling to tenants electricity or gas purchased from a municipally owned utility at a higher rate than that charged by the utility; amending s. 83.71, Florida Statutes, 1974 Supplement, providing that the tenancy of certain mobile home purchasers may not be terminated except upon refusal to assume the remainder of the term of a written lease; providing that a purchaser may be required to move his mobile home, prior to occupancy, to a

different lot size or location in the park; amending s. 83.72, Florida Statutes, providing a civil remedy for violations of lease requirements under s. 83.695; providing an effective date.

—was read the second time by title.

Senator Gallen moved the following amendment which was adopted:

Amendment 1—On page 4, line 9, strike "zoning" and on lines 11 and 12 strike "to a different lot size or location within the park" and insert: a period after occupancy on line 11

Senator Zinkil moved the following amendments which were adopted:

Amendment 2—On page 2, strike all of lines 1 through 12 and renumber subsequent sections.

Amendment 3—On page 1 in title strike all of lines 4 through 9 and insert: An act relating to mobile home parks; adding subsection (8)

On motion by Senator Zinkil, by two-thirds vote HB 483 (cs) as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—36

Brantley	Graham	McClain	Thomas, J.
Childers, D.	Hair	Peterson	Thomas, P.
Childers, W. D.	Henderson	Plante	Tobiassen
Deeb	Holloway	Poston	Trask
Dunn	Johnston	Renick	Vogt
Firestone	Lane, D.	Scarborough	Ware
Gallen	Lane, J.	Sims	Wilson
Glisson	Lewis	Spicola	Winn
Gordon	MacKay	Stolzenburg	Zinkil

Nays—None

SB 990 was taken up, together with, by the Committee on Health and Rehabilitative Services and Senators Gordon and Graham, CS for SB 990 which was read the first time by title and SB 990 was laid on the table.

On motion by Senator Gordon, the rules were waived and by two-thirds vote HB 1899 was withdrawn from the Committee on Commerce and placed on the calendar. On motion by Senator Gordon—

HB 1899—A bill to be entitled An act relating to physicians, osteopaths, and dentists licensed to practice in other states; providing them with limited licenses to practice in Florida, as long as such practice is limited to helping the poor and so long as such licenses comply with other criteria; creating s. 458.056, Florida Statutes, relating to physicians; amending s. 459.11, Florida Statutes, relating to osteopaths; creating s. 466.141, Florida Statutes, relating to dentists; providing an effective date.

—a companion measure to CS for SB 990, was substituted therefor and read the second time by title.

The Committee on Health and Rehabilitative Services offered the following amendments which were moved by Senator Gordon and failed:

Amendment 1—On page 1, line 18, strike everything after the enacting clause and insert: Section 1. Section 458.056, Florida Statutes, is created to read:

458.056 Limited licenses; requirements.—Notwithstanding any contrary provisions in this chapter, the Florida Board of Medical Examiners shall grant without cost to physicians licensed to practice in another state limited licenses to practice in this state. Limited licenses shall be issued pursuant to the following conditions:

(1) The licensee shall apply to the appropriate health care provider board on a form prescribed by the board and shall

submit with such application an affidavit under oath that he has been licensed to practice his profession in such state in good standing and pursuant to law for at least 10 years, has now retired, and that he was in good standing at the time of retirement.

(2) If it has been more than 5 years since active practice was conducted by the applicant, the full-time director of the local health unit shall establish procedures for the supervision of an applicant for the period of 6 months before such applicant is granted a limited license for practice.

(3) Applications adopted by the perspective health care provider boards shall indicate areas of medical speciality.

(4) The recipient of a limited license may practice only in the employ of public agencies or institutions or non-profit agencies or institutions meeting the requirements of section 501(c)(3) of the Internal Revenue Code which agencies or institutions are located in areas of critical medical need or medically underserved areas as determined pursuant to 42 U.S.C. s. 300e-1(7).

(5) The licensee shall notify the director of the full-time local health unit of any county in which he intends to practice of his intention to practice his profession under the provisions of this act. The director of the full-time local health unit shall establish procedures for the supervision of any licensee within his county, and shall notify the board which issued the licensee his license if he becomes aware of any actions by the licensee which would be grounds for revocation of the limited license.

Nothing herein limits in any way any policy by the board otherwise authorized by law to grant licenses to physicians duly licensed in other states under conditions less restrictive than the requirements of this section.

Section 2. Each health care provider licensing board shall review the practice of each licensee under this act annually to verify compliance with the restrictions prescribed in this act. If it is determined that a licensee is not complying with such restrictions, the board shall revoke the license of such licensee. A license may also be revoked by a board on any ground for which a regular license of such board may be revoked by law.

Section 3. Section 459.11, Florida Statutes, is amended to read:

459.11 Board may issue license without examination in certain instances.—

(1) The State Board of Osteopathic Medical Examiners may issue a license without examination to an osteopathic physician who is a graduate of a standard college of osteopathy and who has passed an examination for admission into the Medical Corps of the United States Army, the United States Navy, or the United States Public Health Service; or who has passed all parts of the examination conducted by the National Board of Examiners for Osteopathic Physicians and Surgeons; provided:

(a) The applicant is of good moral character;

(b) The requirements to practice in the state, territory, country or province in which the applicant is already licensed be equal to those of this state;

(c) The applicant shall be required to pay the same fees as licentiates by examination.

(2) Notwithstanding the provisions of subsection (1), the State Board of Osteopathic Medical Examiners shall grant without cost to osteopathic physicians licensed to practice in another state limited licenses to practice in this state. Limited licenses shall be issued pursuant to the following conditions:

(a) The licensee shall apply to the appropriate health care provider board on a form prescribed by the board and shall submit with such application an affidavit under oath that he has been licensed to practice his profession in such state in good standing and pursuant to law for at least 10 years, has now retired, and that he was in good standing at the time of retirement.

(b) If it has been more than 5 years since active practice was conducted by the applicant, the full-time director of the local health unit shall establish procedures for the supervision of an applicant for the period of 6 months before such applicant is granted a limited license for practice.

(c) Applications adopted by the perspective health care provider boards shall indicate areas of medical speciality.

(d) The recipient of a limited license may practice only in the employ of public agencies or institutions or non-profit agencies or institutions meeting the requirements of section 501(c)(3) of the Internal Revenue Code which agencies or institutions are located in areas of critical medical need or medically underserved areas as determined pursuant to 42 U.S.C. s. 300e1(7).

(e) The licensee shall notify the director of the full-time local health unit of any county in which he intends to practice of his intention to practice his profession under the provisions of this act. The director of the full-time local health unit shall establish procedures for the supervision of any licensee within his county, and shall notify the board which issued the licensee his license if he becomes aware of any actions by the licensee which would be grounds for revocation of the limited license.

(3) The board shall not issue a license without examination except as hereinbefore in this section provided.

Section 4. This act shall take effect October 1, 1976.

Amendment 2—On page 1 in title, lines 3-14, strike all language and insert: A bill to be entitled An act relating to physicians and osteopaths licensed to practice in other states; providing them with limited licenses to practice in Florida, as long as such practice complies with restrictions; creating s. 458.056, Florida Statutes, relating to physicians; amending s. 459.11, Florida Statutes, relating to osteopaths; providing an effective date.

Senator Gordon moved the following amendment:

Amendment 3—On page 1, line 17, strike everything after the enacting clause and insert: Section 1. Section 458.056, Florida Statutes, is created to read:

458.056 Limited licenses; requirements.—Notwithstanding any contrary provisions in this chapter, the Florida Board of Medical Examiners shall grant without cost to physicians licensed to practice in another state limited licenses to practice in this state. Limited licenses shall be issued pursuant to the following conditions:

(1) The licensee shall apply to the Florida Board of Medical Examiners on a form prescribed by the board and shall submit with such application an affidavit under oath that he has been licensed to practice his profession in such state in good standing and pursuant to law for at least 10 years, has now retired, and that he was in good standing at the time of retirement.

(2) If it has been more than 5 years since active practice was conducted by the applicant, the full-time director of the local health unit shall supervise the applicant for a period of six months before such applicant is granted a limited license for practice. Procedures for such supervision shall be established by the board.

(3) Applications adopted by the Board of Medical Examiners shall indicate areas of medical speciality.

(4) The recipient of a limited license may practice only in the employ of public agencies or institutions or nonprofit agencies or institutions meeting the requirements of section 501(c)(3) of the Internal Revenue Code which agencies or institutions are located in areas of critical medical need or medically underserved areas as determined pursuant to 42 U.S.C. s. 3003-1(7). The board shall coordinate the placement of the licensees in areas as defined in this act. The recipient may not receive an annual salary which exceeds twice the income guidelines for program eligibility established by the United States Department of Health, Education and Welfare for a single person in the State of Florida.

(5) The board shall notify the director of the full-time local health unit of any county in which a licensee intends to practice under the provisions of this act. The director of the full-time health unit shall assist in the supervision of any licensee within his county, and shall notify the board which issued the licensee his license if he becomes aware of any actions by the licensee which would be grounds for revocation of the limited license. The board shall establish procedures for such supervision.

Nothing herein limits in any way any policy by the board otherwise authorized by law to grant licenses to physicians duly licensed in other states under conditions less restrictive than the requirements of this section.

Section 2. Each health care provider licensing board shall review the practice of each licensee under this act annually to verify compliance with the restrictions prescribed in this act. If it is determined that a licensee is not complying with such restrictions, the board shall revoke the license of such licensee. A license may also be revoked by a board on any ground for which a regular license of such board may be revoked by law.

Section 3. Section 459.11, Florida Statutes, is amended to read:

459.11 Board may issue license without examination in certain instances.—

(1) The State Board of Osteopathic Medical Examiners may issue a license without examination to an osteopathic physician who is a graduate of a standard college of osteopathy and who has passed an examination for admission into the Medical Corps of the United States Army, the United States Navy, or the United States Public Health Service; or who has passed all parts of the examination conducted by the National Board of Examiners for Osteopathic Physicians and Surgeons; provided:

(a) The applicant is of good moral character;

(b) The requirements to practice in the state, territory, country or province in which the applicant is already licensed be equal to those of this state;

(c) The applicant shall be required to pay the same fees as licentiates by examination.

(2) *Notwithstanding the provisions of subsection (1), the State Board of Osteopathic Medical Examiners shall grant without cost to osteopathic physicians licensed to practice in another state limited licenses to practice in this state. Limited licenses shall be issued pursuant to the following conditions:*

(a) *The licensee shall apply to the Board of Osteopathic Medical Examiners on a form prescribed by the board and shall submit with such application an affidavit under oath that he has been licensed to practice his profession in such state in good standing and pursuant to law for at least 10 years, has now retired, and that he was in good standing at the time of retirement.*

(b) *If it has been more than 5 years since active practice was conducted by the applicant, the full-time director of the local health unit shall supervise the applicant for a period of six months before such applicant is granted a limited license for practice. Procedures for such supervision shall be established by the board.*

(c) *Applications adopted by the Board of Osteopathic Examiners shall indicate areas of medical specialty.*

(d) *The recipient of a limited license may practice only in the employ of public agencies or institutions or non-profit agencies or institutions meeting the requirements of section 501(c)(3) of the Internal Revenue Code which agencies or institutions are located in areas of critical medical need or medically underserved areas as determined pursuant to 42 U.S.C. s. 300 et(7). The board shall coordinate the placement of the licensees in areas as defined in this act. The recipient may not receive an annual salary which exceeds twice the income guidelines for program eligibility established by the United States Department of Health, Education and Welfare for a single person in the State of Florida.*

(e) The board shall notify the director of the full-time local health unit of any county in which a licensee intends to practice under the provisions of this act. The director of the full-time health unit shall assist in the supervision of any licensee within his county, and shall notify the board which issued the licensee his license if he becomes aware of any actions by the licensee which would be grounds for revocation of the limited license. The board shall establish procedures for such supervision.

(3) ~~(2)~~ The board shall not issue a license without examination except as hereinbefore in this section provided.

Section 4. This act shall take effect October 1, 1976.

Senator D. Lane moved the following amendment to Amendment 3 which was adopted:

Amendment 3A—On page 2, strike all of lines 9 through 15 and insert: as determined by the board. Determination of medically underserved areas shall be made by the board after consultation with the department of health and rehabilitative services and statewide medical organizations, the provisions of s. 458.055, to the contrary notwithstanding. The licensee may not receive an annual salary which exceeds twice the income guidelines for program eligibility established by the United States Department of Health, Education and Welfare for a single person in the State of Florida.

Amendment 3 as amended was adopted.

Senator Gordon moved the following title amendment which was adopted:

Amendment 4—On page 1, strike all of lines 3 through 13 and insert: A bill to be entitled An act relating to physicians and osteopaths licensed to practice in other states; providing them with limited licenses to practice in Florida, as long as such practice complies with restrictions; creating s. 458.056, Florida Statutes, relating to physicians, amending s. 459.11, Florida Statutes, relating to osteopaths; providing an effective date.

On motion by Senator Gordon, by two-thirds vote HB 1899 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—34

Brantley	Hair	Peterson	Thomas, P.
Childers, D.	Henderson	Plante	Tobiassen
Childers, W. D.	Holloway	Poston	Trask
Deeb	Johnston	Renick	Vogt
Dunn	Lane, D.	Sayler	Wilson
Firestone	Lane, J.	Sims	Winn
Glisson	Lewis	Spicola	Zinkil
Gordon	MacKay	Stolzenburg	
Graham	McClain	Thomas, J.	

Nays—1

Gallen

Vote after roll call:

Nay to Yea—Gallen

CS for SB 990 was laid on the table.

Senator Scarborough presiding

On motions by Senator Vogt, by two-thirds vote HB 3325 was withdrawn from the Committees on Governmental Operations and Judiciary-Civil and placed on the calendar.

SB 1188 was taken up and on motion by Senator Vogt—

HB 3325—A bill to be entitled An act relating to public officers and employees; amending s. 111.07, Florida Statutes, broadening current authorization with respect to the defense of public officers and employees in criminal or civil actions arising out of the officer's or employee's acts done in the scope of employment; providing exceptions; authorizing the Department of Legal Affairs to provide defense with respect to actions in Federal Court; providing an effective date.

—a companion measure was substituted therefor. On motion by Senator Vogt, by two-thirds vote HB 3325 was read the second time by title.

Senator Dunn moved the following amendments which were adopted:

Amendment 1—On page 2, between lines 4 and 5 insert:

Section 2. Section 111.09, Florida Statutes, is created to read:

111.09 Gubernatorial appointees filling vacancy created by suspension of public officer.—

(1) Whenever the Governor suspends a public officer pursuant to section 7 of Article IV of the Florida Constitution and

appoints a person to fill the vacancy created by such suspension, the person appointed by the Governor shall be entitled to the benefits and immunities of office as provided by law.

(2) In the event the right of the person appointed to the office to hold or exercise the powers of office is challenged in court, the Attorney General shall provide legal defense for the officer, or, at the election of the appointee, the state shall pay all the reasonable and necessary expenses, including attorney's fees in the trial and appellate courts, of the appointee in providing his legal defense. The trial court shall determine what expenses are reasonable and necessary.

(3) In the event of a successful court challenge by the suspended officer, the state shall pay all reasonable and necessary expenses, including attorneys' fees in the trial and appellate courts, incurred by such officer. The trial court shall determine what expenses are reasonable and necessary.

(Renumber subsequent section)

Amendment 2—On page 1 in title, line 13, after the semicolon insert: creating s. 111.09, Florida Statutes; providing that a person who is appointed to fill a vacancy created by the suspension of a public officer shall be entitled to the benefits and immunities of that office; providing for the defense of an appointee's right to hold office or perform the duties of the office; providing that the expenses of such defense shall include attorney's fees; providing that the state shall pay all reasonable and necessary expenses including attorney's fees incurred by a suspended officer when he successfully challenges the suspension;

On motion by Senator Vogt, by two-thirds vote HB 3325 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—33

Brantley	Hair	Peterson	Thomas, P.
Childers, D.	Henderson	Plante	Vogt
Childers, W. D.	Holloway	Poston	Ware
Deeb	Johnston	Renick	Wilson
Dunn	Lane, D.	Sayler	Winn
Firestone	Lane, J.	Sims	Zinkil
Gallen	Lewis	Spicola	
Glisson	MacKay	Stolzenburg	
Graham	McClain	Thomas, J.	

Nays—None

Vote after roll call:

Yea—Tobiassen

SB 241—A bill to be entitled An act relating to state employees; amending s. 112.20(1), (3), (5), Florida Statutes; providing clarification; conforming provisions, which provide for forfeiture of terminal "incentive" pay for accumulated and unused sick leave, to the Florida Retirement System Act; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendment which was moved by Senator Sayler and adopted:

Amendment 1—On page 1, lines 17 and 18, strike "all state legislative branches, state departments, and state agencies" and insert: The legislative branch and all state departments and state agencies

On motion by Senator Sayler, by two-thirds vote SB 241 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Brantley	Gallen	Hair	Lane, D.
Childers, D.	Glisson	Henderson	Lane, J.
Childers, W. D.	Gordon	Holloway	Lewis
Dunn	Graham	Johnston	MacKay

McClain	Renick
Peterson	Sayler
Plante	Sims
Poston	Spicola

Thomas, J.	Ware
Thomas, P.	Wilson
Tobiassen	Winn
Vogt	Zinkil

Nays—None

The President Pro Tempore presiding

HB 1300—A bill to be entitled An act relating to juveniles; creating s. 39.025, Florida Statutes, authorizing the state attorney to seek a grand jury indictment or file an information against any child, aged 16 or older, charged with certain felonies, for trial as an adult, without the requirement that the state attorney file a petition alleging delinquency and that an adjudicatory hearing be held on the petition; providing that in cases when a child is treated as an adult pursuant to chapter 39, Florida Statutes, with respect to capital or life felonies, that child shall also be treated as an adult for all subsequent felonies; providing that the circuit court may dismiss the indictment or information and treat the child as a child; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Criminal offered the following amendment which was moved by Senator Deeb:

Amendment 1—On page 1, line 25, strike everything after the ":" and insert: 39.025 Children charged with certain offenses; exemptions from provisions of the chapter.—Once a child has been transferred for criminal prosecution pursuant to a waiver hearing as provided in s. 39.09, or indicted by a grand jury, which prosecution or indictment results in a conviction of a criminal offense, the court shall thereafter be divested of jurisdiction over the child and the child shall be handled in every respect as if he were an adult for any pending or subsequent criminal offense.

Section 2. Paragraph (c) of subsection (5) of section 39.02, Florida Statutes, is amended to read:

39.02 Jurisdiction.—

(5)

(c) A child of any age charged with a ~~felony violation of Florida law punishable by death or by life imprisonment~~ shall be subject to the jurisdiction of the court as set out in s. 39.06(7) unless and until an indictment on such charge is returned by the grand jury, in which event and at which time the court shall be divested of jurisdiction under this statute and the charge shall be made and the child shall be handled in every respect as if he were an adult. No adjudicatory hearing shall be held within 14 days from the date that the child is taken into custody unless the state attorney advises the court in writing that he does not intend to present the case to the grand jury or that he has presented it to the grand jury but that the grand jury has declined to return an indictment. Should the court receive such a notice from the state attorney, or should the grand jury fail to act within the 14-day period, the court may proceed as otherwise required by law.

Section 3. Paragraph (g) is added to subsection (1) of section 39.03, Florida Statutes, and paragraph (a) of subsection (6) of section 39.03, Florida Statutes, is amended to read:

39.03 Taking a child into custody; detention.—

(1) A child may be taken into custody:

(g) By a law enforcement officer when he has reasonable grounds to believe that the child is absent from school without authorization, for the purpose of delivering the child without unreasonable delay to the school system.

(6)(a) Any child taken into custody upon probable cause that he has committed an act which would be a felony if he were an adult shall be fingerprinted and photographed by the law enforcement agency taking said child into custody. Said fingerprints and photographs so taken shall be kept by the agency making such fingerprints and photographs in a separate file maintained by said agency for that specific purpose only. Such record shall not be a public record and shall not be subject to use by anyone other than officials of

law enforcement agencies, the court, the child, the child's attorney, the parents or legal custodians of the child, or their attorneys, or any other person authorized by. However, the records of any child may, in the discretion of the court, be opened to inspection by anyone upon a showing of good cause. Any such photograph may be shown by a law enforcement officer to any victim or witness of a crime for the purpose of identifying the person who committed such crime. Said fingerprints and photographs so taken shall be retained in said separate file as a nonpublic record and produced in the court whenever directed by the court. If said child is not cited or referred to the court, if the child is found to be not delinquent, or if the child is adjudicated a delinquent for an offense that would be less than a felony under the criminal laws of this state if such child were an adult, then the court in its discretion may order all originals and copies of said fingerprints and photographs promptly destroyed. If said child is adjudicated a delinquent for an offense which would be a felony under the criminal laws of this state if such child were an adult, or in the absence of an order from the court ordering the fingerprints and photographs destroyed as hereinabove provided, then the law enforcement agency taking the said fingerprints and photographs shall retain the originals thereof. The law enforcement agency taking fingerprints and photographs pursuant to this subsection shall immediately thereafter forward adequate duplicate copies as required under this subsection to the court along with the written offense report relating to the matter for which the child was taken into custody. Except as otherwise provided by this subsection, the court, after adjudication of the case, shall forward duplicate copies of said fingerprints and photographs, together with the child's name, address, date of birth, age and sex, to the following agencies:

1. The Department of Criminal Law Enforcement;
2. The sheriff's department of the county in which the said law enforcement agency is located, in order to maintain a central juvenile identification file in each county; and
3. The law enforcement agencies of municipalities within their respective county having a population in excess of 50,000 persons.

Section 4. Subsections (3) and (4) of section 39.12, Florida Statutes, are amended to read:

39.12 Oaths; records; privileged information.—

(3) The clerk shall keep all official records required by this statute separate from other records of the Circuit Court. They shall not be open to inspection by the public. All records shall be inspected only upon order of the judge by persons deemed by the judge to have a proper interest therein, except that the a child, and the parents or legal custodians of the child, and their attorneys, law enforcement agencies, the Department of Health and Rehabilitative Services, and the Department of Offender Rehabilitation shall always have the right to inspect and copy any official record pertaining to the child. The judge may permit authorized representatives of recognized organizations compiling statistics for proper purposes to inspect and make abstracts from official records, under whatever conditions upon their use and disposition the judge may deem proper, and may punish by contempt proceedings any violation of those conditions.

(4) All information obtained pursuant to this chapter in the discharge of official duty by any judge, employee of the court, authorized agent of the Department of Health and Rehabilitative Division of Family Services, or authorized agent of the Department of Offender Rehabilitation Division of Youth Services shall be privileged and shall not be disclosed to anyone other than the authorized personnel of the court, the Department of Health and Rehabilitative Services, the Department of Offender Rehabilitation, law enforcement agencies, and others entitled under this chapter to receive that information, except upon order of the judge.

Section 5. Subsection (5) of section 39.14, Florida Statutes, is amended to read:

39.14 Appeal.—

(5) The original order of the appellate court, with all papers filed in the case on appeal, shall remain in the office of the clerk of the said court, sealed and not open to inspection except by order of the appellate court, except that law enforcement agencies, the Department of Health and Rehabilitative Services,

and the Department of Offender Rehabilitation shall always have the right to inspect and copy any such record. The clerk of the appellate court shall return to the Circuit Court all papers transmitted to the appellate court from the Circuit Court, together with a certified copy of the order of the appellate court.

Section 6. This act shall take effect October 1, 1976.

Senator Deeb moved the following amendment to Amendment 1 which was adopted:

Amendment 1A—On page 1, line 4, after "s. 39.09," insert: informed against pursuant to s. 2 of this act,

Senator Dunn moved the following amendments to Amendment 1 which were adopted:

Amendment 1B—On page 2, line 5, strike "no adjudicatory hearing shall be held" and insert on page 2, line 5 after the word "adult": In making the determination on whether to return such indictment, the Grand Jury shall consider a report by the Department of Health and Rehabilitative Services based on the criteria set forth under Chapter 39.09 (2)(c), 1, 2, 3, 6, 7, and, Florida Statutes.

Amendment 1C—On page 2, line 15, insert: Section 2. Paragraph (c) of subsection (3) of section 39.03, Florida Statutes, is amended to read:

39.03 Taking a child into custody; detention.—

(3)

(c) Unless ordered by the court pursuant to the provisions of this chapter, a child taken into custody shall not be placed or retained in detention care or shelter care prior to the court's disposition unless detention or shelter care is required:

1. To protect the person or property of others or of the child.
2. Because he has no parent, guardian, responsible adult relative, or other adult approved by the court able to provide supervision and care for him.
3. To secure his presence at the next hearing. If a child has been twice previously adjudicated a delinquent and has been charged with a third subsequent delinquency which would constitute a felony if the child were an adult, said child shall be detained under this subparagraph and shall have a detention hearing within 48 24 hours of initial detention, excluding Saturdays, Sundays, and legal holidays, to determine the need for continued detention. The circuit court, or the county court if previously designated by the chief judge of the circuit court, shall hold the detention hearing. When the county judge is not an attorney, the chief judge may designate members of the bar to hold the detention hearing.

The criteria for placement in detention or shelter care given above shall govern the decision of all persons responsible for determining whether detention or shelter care is warranted prior to the court's disposition.

(Renumber subsequent section)

Senator Deeb moved the following amendment to Amendment 1 which was adopted:

Amendment 1D—On page 1, line 9, strike after "offense" and insert: (new section 2)

Section 2. The provisions of this chapter to the contrary notwithstanding, if the crime alleged to have been committed by a child who is 16 years of age or older is a capital or life felony, or a felony of the first or second degree, the state attorney shall not be required to file a petition alleging delinquency, but may proceed to have the matter taken before the grand jury or file a direct information against the child, and no adjudicatory hearing as provided in s. 39.09 shall be required. The prosecution of any child against whom an indictment or information has been filed pursuant to this section shall proceed as if the child were an adult. Provided, however, that the circuit court may dismiss the information or indictment and treat the child as a child when it determines that the circumstances so justify.

(Renumber subsequent sections)

Amendment 1 as amended was adopted.

The Committee on Judiciary-Criminal offered the following amendment which was moved by Senator Deeb and adopted:

Amendment 2—On page 1 in the title, line 4, strike Everything after "juveniles;" and insert: amending s. 39.02(5)(c), Florida Statutes, to authorize the state attorney to seek a grand jury indictment against any child charged with a felony; creating s. 39.025 to provide that once jurisdiction over a child has been waived pursuant to s. 39.09 or pursuant to an indictment if the prosecution results in a conviction of a criminal offense, the court is thereafter divested of jurisdiction over the child and the child shall be handled as an adult for pending or subsequent criminal offenses; amending section 39.03(1)(g), providing that a law enforcement officer may take a child into custody for the purpose of delivering the child without unreasonable delay to the school system if the officer has reasonable grounds to believe that the child is absent from school without authorization; amending section 39.03(6)(a), Florida Statutes; authorizing the photograph of a child taken into custody upon probable cause that he has committed a criminal act to be shown to any victim or witness of a crime for the purpose of identifying the person who committed such crime; amending section 39.12(3), and (4) and section 39.14(5), Florida Statutes; entitling law enforcement agencies, the Department of Health and Rehabilitative Services, and the Department of Offender Rehabilitation to inspect and copy court records relating to treatment of juveniles under chapter 39, Florida Statutes; providing an effective date.

On motion by Senator Deeb, by two-thirds vote HB 1300 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—21

Brantley	Lane, D.	Renick	Trask
Deeb	Lane, J.	Sayler	Vogt
Dunn	Lewis	Sims	Ware
Firestone	McClain	Spicola	
Gallen	Plante	Thomas, J.	
Henderson	Poston	Tobiassen	

Nays—15

Childers, D.	Holloway	Peterson	Thomas, P.
Gordon	Johnston	Saunders	Wilson
Graham	MacKay	Scarborough	Winn
Hair	Myers	Stolzenburg	

Votes after roll call:

Yea—Childers, W. D. and Glisson

Yea to Nay—Spicola

On motion by Senator Myers the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed SB 1348.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has adopted SM 478, SCR 149, SCR 1446.

Allen Morris, Clerk

The bills contained in the foregoing messages were ordered enrolled.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 4145 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Governmental Operations and Representative Hector—

HB 4145—A bill to be entitled An act relating to fire prevention and control; amending s. 633.05(8), Florida Statutes; expanding the jurisdiction of the State Fire Marshal relative to establishment of uniform fire safety standards; providing for report and correction of deficiencies in state-owned and leased buildings, community colleges and public schools; providing for revision and republication of such standards; providing applicability; amending s. 633.121, Florida Statutes; providing that certain local personnel may be designated as ex officio agents of the State Fire Marshal; amending ss. 381.472, 400.23(1)(a), and 553.78(3), Florida Statutes; repealing s. 509.211(2)-(4), (6)-(8), Florida Statutes; eliminating conflicts; providing an effective date.

—was read the first time by title. On motion by Senator Myers, the rules were waived and the bill was placed on the calendar.

Consent Calendar, continued

SB 223 was taken up and on motion by Senator Myers HB 4145, a companion measure, was substituted therefor. On motions by Senator Myers, by two-thirds vote HB 4145 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Brantley	Holloway	Poston	Tobiassen
Childers, D.	Johnston	Renick	Trask
Deeb	Lane, D.	Saunders	Vogt
Gallen	Lane, J.	Scarborough	Ware
Glisson	MacKay	Sims	Wilson
Gordon	McClain	Spicola	Winn
Graham	Myers	Stolzenburg	Zinkil
Hair	Peterson	Thomas, J.	
Henderson	Plante	Thomas, P.	

Nays—None

Vote after roll call:

Yea—Childers, W. D.

SB 223 was laid on the table.

On motion by Senator Gallen the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 2775 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Richmond—

HB 2775—A bill to be entitled An act relating to the Florida Probate Code; amending s. 733.617, Florida Statutes, providing that personal representatives, attorneys, accountants, and appraisers and other agents employed by a personal representative may receive reasonable compensation based upon one or more criteria rather than upon the entire list of current requirements; authorizing, rather than requiring, personal representatives who desire to renounce the right to compensation to file such renunciation with the court; eliminating certain consent and other court requirements with respect to payment of such compensation; creating s. 733.6175, Florida Statutes; providing for court review, after notice and upon petition therefor, of the propriety of employment and the reasonableness of compensation with respect to the personal representative and persons employed by the personal representative in an estate; providing for refunds in certain cases; amending s. 733.612(16), Florida Statutes, relating to payments authorized to be made by personal representative; providing an effective date.

—was read the first time by title. On motion by Senator Gallen, the rules were waived and the bill was placed on the calendar.

Consent Calendar, continued

SB 930 was taken up and on motion by Senator Gallen HB 2775, a companion measure, was substituted therefor. On motions by Senator Gallen, by two-thirds vote HB 2775 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Brantley	Holloway	Poston	Trask
Childers, D.	Johnston	Renick	Vogt
Deeb	Lane, D.	Saunders	Ware
Firestone	Lane, J.	Scarborough	Wilson
Gallen	Lewis	Sims	Winn
Glisson	MacKay	Spicola	Zinkil
Graham	McClain	Stolzenburg	
Hair	Peterson	Thomas, J.	
Henderson	Plante	Thomas, P.	

Nays—None

Votes after roll call:

Yeas—Childers, W. D., and Tobiassen

LOCAL CALENDAR

SB 1445—A bill to be entitled An act relating to Escambia County; repealing chapter 75-368, Laws of Florida, which provides for abatement of sanitary nuisances; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote SB 1445 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Brantley	Hair	Myers	Thomas, J.
Childers, W. D.	Henderson	Peterson	Thomas, P.
Deeb	Holloway	Plante	Tobiassen
Dunn	Johnston	Poston	Trask
Firestone	Lane, D.	Renick	Vogt
Gallen	Lane, J.	Scarborough	Ware
Glisson	Lewis	Sims	Wilson
Gordon	MacKay	Spicola	Winn
Graham	McClain	Stolzenburg	Zinkil

Nays—None

SB 1457—A bill to be entitled An act relating to Manatee County; amending sections 3, 4, 5, and 15(d) of chapter 69-1287, Laws of Florida, as amended; providing annual elections for members of the board of trustees of Trailer Estates Park and Recreation District; providing staggered terms of 2 years; requiring petition to have name placed on ballot for election as trustee to be signed by the candidate and notarized; expressing the limitation on the aggregate amount of obligations of Trailer Estates Park and Recreation District in terms of a fiscal year rather than calendar year; providing an effective date.

—was read the second time by title. On motion by Senator Gallen, by two-thirds vote SB 1457 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Brantley	Hair	Myers	Thomas, J.
Childers, W. D.	Henderson	Peterson	Thomas, P.
Deeb	Holloway	Plante	Tobiassen
Dunn	Johnston	Poston	Trask
Firestone	Lane, D.	Renick	Vogt
Gallen	Lane, J.	Scarborough	Ware
Glisson	Lewis	Sims	Wilson
Gordon	MacKay	Spicola	Winn
Graham	McClain	Stolzenburg	Zinkil

Nays—None

SB 1421—A bill to be entitled An act relating to Flagler County; establishing and incorporating a special tax district in

Flagler County, to be known as "Palm Coast Fire District"; fixing and prescribing the boundaries of said district; providing for the government and administration of the district; prescribing the powers and purposes of the district and the board of commissioners thereof; providing for such commissioners' election; authorizing and empowering the board to accept title to, operate, and maintain facilities and equipment for fire protection in the district; authorizing the district to contract for the purpose of providing fire protection and fire rescue service; authorizing the district to contract to provide services outside the district; authorizing the board to borrow money; authorizing the board to levy ad valorem taxes; limiting the rate of such taxation; repealing laws in conflict with this act; providing for a referendum; providing an effective date.

—was read the second time by title. On motion by Senator MacKay, by two-thirds vote SB 1421 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Brantley	Hair	Myers	Thomas, J.
Childers, W. D.	Henderson	Peterson	Thomas, P.
Deeb	Holloway	Plante	Tobiassen
Dunn	Johnston	Poston	Trask
Firestone	Lane, D.	Renick	Vogt
Gallen	Lane, J.	Scarborough	Ware
Glisson	Lewis	Sims	Wilson
Gordon	MacKay	Spicola	Winn
Graham	McClain	Stolzenburg	Zinkil

Nays—None

SB 1420—A bill to be entitled An act relating to Sumter County; amending ss. 2 and 3 chapter 71-932, Laws of Florida; authorizing up to \$4,400,000 of certificates of indebtedness to be issued by the school board to acquire, construct, repair, equip, and remodel school buildings, payable from racetrack funds and jai alai fronton funds accruing to the county and from revenue from the licensing of motor vehicles by the state; authorizing the school board to determine the interest and rate of maturities of such certificates, not to exceed 40 years from their date of issuance; setting a minimum sale price of 97 percent of par value; providing an effective date.

—was read the second time by title. On motion by Senator Glisson, by two-thirds vote SB 1420 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Brantley	Hair	Myers	Thomas, P.
Childers, W. D.	Henderson	Peterson	Tobiassen
Deeb	Holloway	Poston	Trask
Dunn	Johnston	Renick	Vogt
Firestone	Lane, D.	Scarborough	Ware
Gallen	Lane, J.	Sims	Wilson
Glisson	Lewis	Spicola	Winn
Gordon	MacKay	Stolzenburg	Zinkil
Graham	McClain	Thomas, J.	

Nays—1

Plante

SB 1454—A bill to be entitled An act enlarging and extending the corporate limits of the City of Gainesville so as to include therein additional lands contiguous to the present corporate limits of the City of Gainesville that lie within Alachua County; providing for the exercise by said City of all jurisdiction, powers and duties over the entire area within the corporate limits; providing for occupational license taxes in the newly annexed area; providing for requirements for certificates of competency relating to trades covered by ordinances of the City; providing for the qualification of electors within the newly annexed territory; providing for the application of all codes and ordinances of the City to the newly annexed territory; providing for zoning and land use controls within the newly annexed territory; providing for the repeal of Chapter 67-1415, Laws of Florida, relating to agricultural assessments in the City of Gainesville; providing for a referendum; providing an effective date.

—was read the second time by title. On motion by Senator MacKay, by two-thirds vote SB 1454 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Brantley	Hair	Myers	Thomas, J.
Childers, W. D.	Henderson	Peterson	Thomas, P.
Deeb	Holloway	Plante	Tobiassen
Dunn	Johnston	Poston	Trask
Firestone	Lane, D.	Renick	Vogt
Gallen	Lane, J.	Scarborough	Ware
Glisson	Lewis	Sims	Wilson
Gordon	MacKay	Spicola	Winn
Graham	McClain	Stolzenburg	Zinkil

Nays—None

SB 1455—A bill to be entitled An act relating to Alachua County; creating a charter government for Alachua County; dissolving the existing governments of the City of Gainesville and Alachua County; providing the powers and duties of the consolidated government; providing for a board of county commissioners and administrative officers and providing for appointed county manager and authority boards; providing for and limiting ad valorem taxing power; providing for taxation for bonded indebtedness; providing for elections; providing for amendment of the charter; providing transitional policies; requiring the cooperation of predecessor governments; providing for retirement and pension plans; providing for a referendum to ratify the charter; providing an effective date.

—was read the second time by title. On motion by Senator MacKay, by two-thirds vote SB 1455 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Brantley	Hair	Myers	Thomas, J.
Childers, W. D.	Henderson	Peterson	Thomas, P.
Deeb	Holloway	Plante	Tobiassen
Dunn	Johnston	Poston	Trask
Firestone	Lane, D.	Renick	Vogt
Gallen	Lane, J.	Scarborough	Ware
Glisson	Lewis	Sims	Wilson
Gordon	MacKay	Spicola	Winn
Graham	McClain	Stolzenburg	Zinkil

Nays—None

SB 1453—A bill to be entitled An act relating to Manatee County; amending s. 6 of chapter 67-1671, Laws of Florida, as amended; authorizing the board of county commissioners to supplement the pay of the pollution control director of Manatee County; providing an effective date.

—was read the second time by title. On motion by Senator Gallen, by two-thirds vote SB 1453 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Brantley	Hair	Myers	Thomas, J.
Childers, W. D.	Henderson	Peterson	Thomas, P.
Deeb	Holloway	Plante	Tobiassen
Dunn	Johnston	Poston	Trask
Firestone	Lane, D.	Renick	Vogt
Gallen	Lane, J.	Scarborough	Ware
Glisson	Lewis	Sims	Wilson
Gordon	MacKay	Spicola	Winn
Graham	McClain	Stolzenburg	Zinkil

Nays—None

SB 1449—A bill to be entitled An act relating to historic preservation; designating a section of Coral Way located in the City of Coral Gables in Dade County as an historic, canopied roadway; prohibiting such roadway from being widened; requiring five specified plazas to be maintained in their existing condition; providing an effective date.

—was read the second time by title. On motion by Senator Holloway, by two-thirds vote SB 1449 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Brantley	Hair	Myers	Thomas, J.
Childers, W. D.	Henderson	Peterson	Thomas, P.
Deeb	Holloway	Plante	Tobiassen
Dunn	Johnston	Poston	Trask
Firestone	Lane, D.	Renick	Vogt
Gallen	Lane, J.	Scarborough	Ware
Glisson	Lewis	Sims	Wilson
Gordon	MacKay	Spicola	Winn
Graham	McClain	Stolzenburg	Zinkil

Nays—None

SB 1447—A bill to be entitled An act relating to the City of Palatka; amending section 3, chapter 9875, Laws of Florida, 1923, as amended; adding the boundaries of a certain territory lying Northerly and Westerly of and contiguous to the corporate limits of the City of Palatka, Florida; providing an effective date.

—was read the second time by title. On motion by Senator Glisson, by two-thirds vote SB 1447 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Brantley	Hair	Myers	Thomas, J.
Childers, W. D.	Henderson	Peterson	Thomas, P.
Deeb	Holloway	Plante	Tobiassen
Dunn	Johnston	Poston	Trask
Firestone	Lane, D.	Renick	Vogt
Gallen	Lane, J.	Scarborough	Ware
Glisson	Lewis	Sims	Wilson
Gordon	MacKay	Spicola	Winn
Graham	McClain	Stolzenburg	Zinkil

Nays—None

SB 1444—A bill to be entitled An act relating to Escambia County; amending s. 7, paragraph (10), chapter 67-1373, Laws of Florida; increasing the amount above which competitive bids shall be requested by the Escambia electronic data processing management board in the manner prescribed by the board of county commissioners from \$1,000 to \$3,000; repealing any laws or portions of laws inconsistent therewith; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote SB 1444 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Brantley	Hair	Myers	Thomas, J.
Childers, W. D.	Henderson	Peterson	Thomas, P.
Deeb	Holloway	Plante	Tobiassen
Dunn	Johnston	Poston	Trask
Firestone	Lane, D.	Renick	Vogt
Gallen	Lane, J.	Scarborough	Ware
Glisson	Lewis	Sims	Wilson
Gordon	MacKay	Spicola	Winn
Graham	McClain	Stolzenburg	Zinkil

Nays—None

SB 1442—A bill to be entitled An act providing for the incorporation of an unincorporated area of Escambia County, Florida, to be known as the City of Warrington; prescribing the charter for said municipality; providing for the election of municipal officers; providing for the transition from unincorporated to incorporated status; repealing chapter 75-518, Laws of Florida, the Warrington Incorporation Act; providing a referendum; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote SB 1442 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Brantley	Hair	Myers	Thomas, J.
Childers, W. D.	Henderson	Peterson	Thomas, P.
Deeb	Holloway	Plante	Tobiassen
Dunn	Johnston	Poston	Trask
Firestone	Lane, D.	Renick	Vogt
Gallen	Lane, J.	Scarborough	Ware
Glisson	Lewis	Sims	Wilson
Gordon	MacKay	Spicola	Winn
Graham	McClain	Stolzenburg	Zinkil

Nays—None

SB 1429—A bill to be entitled An act relating to Escambia County; authorizing the county property appraiser to lease the computer equipment in his office to any governmental agency or private person or business under certain conditions; providing for disposition of the proceeds of any such lease; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote SB 1429 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Brantley	Hair	Myers	Thomas, J.
Childers, W. D.	Henderson	Peterson	Thomas, P.
Deeb	Holloway	Plante	Tobiassen
Dunn	Johnston	Poston	Trask
Firestone	Lane, D.	Renick	Vogt
Gallen	Lane, J.	Scarborough	Ware
Glisson	Lewis	Sims	Wilson
Gordon	MacKay	Spicola	Winn
Graham	McClain	Stolzenburg	Zinkil

Nays—None

SB 1419—A bill to be entitled An act relating to Escambia County; providing for the appointment of the Board of Hospital Trustees of Escambia County by the Board of County Commissioners of Escambia County; authorizing the Board of Hospital Trustees of Escambia County to contract with a management concern to manage the hospital; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote SB 1419 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Brantley	Hair	Myers	Thomas, J.
Childers, W. D.	Henderson	Peterson	Thomas, P.
Deeb	Holloway	Plante	Tobiassen
Dunn	Johnston	Poston	Trask
Firestone	Lane, D.	Renick	Vogt
Gallen	Lane, J.	Scarborough	Ware
Glisson	Lewis	Sims	Wilson
Gordon	MacKay	Spicola	Winn
Graham	McClain	Stolzenburg	Zinkil

Nays—None

SB 1377—A bill to be entitled An act relating to Manatee County; creating section 15, chapter 25996, Laws of Florida, 1949, as amended; designating the Whitfield Zoning District as a sanctuary for birds and wildlife; providing an effective date.

—was read the second time by title. On motion by Senator Gallen, by two-thirds vote SB 1377 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Brantley	Hair	Myers	Thomas, J.
Childers, W. D.	Henderson	Peterson	Thomas, P.
Deeb	Holloway	Plante	Tobiassen
Dunn	Johnston	Poston	Trask
Firestone	Lane, D.	Renick	Vogt
Gallen	Lane, J.	Scarborough	Ware
Glisson	Lewis	Sims	Wilson
Gordon	MacKay	Spicola	Winn
Graham	McClain	Stolzenburg	Zinkil

Nays—None

On motion by Senator Henderson, the rules were waived by unanimous consent and the Senate reverted to Introduction for the purpose of introducing the following resolutions out of order:

INTRODUCTION

By Senator Henderson—

SR 1460—A resolution in commendation of James Melton "Mel" Williams.

WHEREAS, James Melton "Mel" Williams was born in Palmetto, Manatee County, Florida, October 13, 1913, to Elmer H. and Bessie Williams, and

WHEREAS, Mel Williams attended public schools in Palmetto and was graduated from Palmetto High School in 1931, and

WHEREAS, he was employed by the Sarasota County Health Department until the outbreak of World War II, and

WHEREAS, he married Marion Brooks of Sarasota in 1942 and they have enjoyed wedded bliss since, and

WHEREAS, in February, 1942, he entered the United States Navy and was sent to the National Naval Medical Center in Washington, D. C., to study malariaology for a year and then was attached to the Navy's team of malaria experts in Puerto Rico, and

WHEREAS, in 1944 he was selected by the Navy to attend the School of Tropical Medicine in San Juan, Puerto Rico, for an intensive course in parasitology, and

WHEREAS, while serving in Puerto Rico, he rescued a fellow serviceman from a burning airplane and was commended by Secretary of the Navy Frank Knox for this act of heroism, and

WHEREAS, in September, 1945, he was given an honorable discharge from the Navy, after serving his country for more than three years, and

WHEREAS, Sarasota County in recognizing with other Florida Counties the need for controlling and eradicating the pesky mosquito that plagued our state, employed Mel Williams in December, 1945, as Sarasota County's first Mosquito Control Director, and

WHEREAS, with his experience, ability and concern for the environment and his fellow man, Mel Williams quickly devised new methods for the control of this bothersome Culicidae, and achieved spectacular results, and

WHEREAS, Sarasota County's Mosquito Control Program became acclaimed as one of the best in Florida, through his untiring efforts, and

WHEREAS, Mel Williams was active for many years in the Florida Mosquito Control Association and the American Mosquito Control Association and received considerable recognition from these groups, and

WHEREAS, in the course of his Mosquito Control Program he developed and managed a model sanitary landfill operation for Sarasota County that was acclaimed throughout the state, and

WHEREAS, he suffered a serious stroke early in 1975, but due to his great fortitude and positive attitude, Mel Williams has made a remarkable recovery and can once again pursue in a limited degree, his intense love for the great outdoors, particularly hunting and fishing, and

WHEREAS, he is deeply loved and highly respected by all those who have worked with him and have known him through the years, and

WHEREAS, Mel Williams retired in September, 1975, as Mosquito Control Director for Sarasota County after 30 years of outstanding service to the citizens of his county, state, and nation, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That James Melton "Mel" Williams is hereby commended by the Senate of the State of Florida for his exemplary services to the citizens of Sarasota County and to the citizens of the State of Florida.

BE IT FURTHER RESOLVED that this resolution be spread upon the journal of the Florida Senate in recognition of James Melton Williams' exemplary services performed and accomplishments attained during his lifetime and 30 years of service to Sarasota County, and that a copy of this resolution, duly attested, be forwarded to James Melton Williams, together with the best wishes and congratulations of the Florida Senate.

—which was read the first time by title and placed on the calendar.

On motion by Senator Henderson, by two-thirds vote SR 1460 was read the second time in full and adopted. The vote on adoption was:

Yeas—36

Brantley	Hair	Myers	Thomas, J.
Childers, W. D.	Henderson	Peterson	Thomas, P.
Deeb	Holloway	Plante	Tobiasen
Dunn	Johnston	Poston	Trask
Firestone	Lane, D.	Renick	Vogt
Gallen	Lane, J.	Scarborough	Ware
Glisson	Lewis	Sims	Wilson
Gordon	MacKay	Spicola	Winn
Graham	McClain	Stolzenburg	Zinkil

Nays—None

By Senator Henderson—

SR 1461—A resolution commending Bennett Andrew Rock.

WHEREAS, a fireman is called upon at any time during day or night under any circumstances to extinguish smoke and flame and to rescue and save life and property, and

WHEREAS, Bennett Andrew "Andy" Rock was born on October 3, 1953, in Washington, District of Columbia, the son of Bennett and Eunice Rock and moved to Englewood, Florida, in 1957, with his parents, and

WHEREAS, he attended Englewood Elementary School and Venice, Florida, Junior and Senior High Schools, and

WHEREAS, he loves all sports, having been active in the Little League and Babe Ruth Baseball League, where he was selected an "All Star" in both programs, and having been active on the Venice High School football team, where he was an outstanding interior lineman, and

WHEREAS, Bennett Andrew Rock did join the Englewood Volunteer Fire Department at the age of 18, working his way up the ranks and now, at the age of 22, is a captain in that organization, and

WHEREAS, while a lieutenant in the Englewood Volunteer Fire Department on April 25, 1974, he did assist the State Division of Forestry, the North Trail and South Trail Fire Control Districts, and fire fighting units from Venice, South Venice, El Jobean, and North Port in fighting a huge forest fire in the South Venice area, called Circlewood, and

WHEREAS, as he was combating the blaze, Bennett Andrew Rock did notice the plight of fellow fireman Jack Stevens and was the first to observe that Stevens, a member of the South Venice unit, was aflame, and

WHEREAS, "Andy" Rock did see Stevens in a 15-foot wall of fire and did rush through that conflagration to successfully rescue the badly burned Jack Stevens from the holocaust, thereby saving his life, and

WHEREAS, in this rescue without concern for his own life and safety, "Andy" Rock did rush into the fire and pull Jack Stevens to safety, while suffering burns and smoke inhalation himself, and was awarded a plaque by the Englewood Volunteer Fire Department for this act of heroism, and

WHEREAS, Captain Rock is now married to Laurie Marlow, a native Floridian, and is employed as a troubleshooter with Storer Cable TV Company in the Venice-Englewood area when he's not fighting fires, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That this resolution be spread upon the journal of the Florida Senate in recognition and commendation of Bennett Andrew

"Andy" Rock for his untiring efforts as a fireman and his heroism as a fire fighter.

BE IT FURTHER RESOLVED that a copy of this resolution, duly attested, be forwarded to Bennett Andrew Rock, together with the best wishes and congratulations of this legislative body.

—was read the first time by title and placed on the calendar.

On motion by Senator Henderson, by two-thirds vote SR 1461 was read the second time in full and adopted. The vote on adoption was:

Yeas—36

Brantley	Hair	Myers	Thomas, J.
Childers, W. D.	Henderson	Peterson	Thomas, P.
Deeb	Holloway	Plante	Tobiasen
Dunn	Johnston	Poston	Trask
Firestone	Lane, D.	Renick	Vogt
Gallen	Lane, J.	Scarborough	Ware
Glisson	Lewis	Sims	Wilson
Gordon	MacKay	Spicola	Winn
Graham	McClain	Stolzenburg	Zinkil

Nays—None

On motion by Senator Brantley, the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has refused to recede from House Amendments 1, 3, 4, 5, 8, 10, 11, 12 and 13, and has further amended and passed as further amended—

By Senator Lewis and others—

SB 321—A bill to be entitled An act relating to education; amending s. 236.02(6), Florida Statutes; providing that the minimum financial effort of each school district shall be as prescribed in the general appropriations act; amending s. 236.081(1)(b), (d), (e), (3), (5)(a), (7)(a), Florida Statutes; renaming the base student cost and providing that this value shall be that amount prescribed in the general appropriations act; providing that the assigned weighted full-time equivalent student membership in certain special programs shall not exceed the maximum prescribed in the general appropriations act; renaming the base student cost figure; changing the method of computing the district cost differential; changing the method of computing the district required local effort; deleting obsolete language; providing an effective date.

—and again requests the Senate to concur.

Allen Morris, Clerk

Amendment 1—On page 4, line 19, after the period (.) insert: (f) Determination of sparsity supplement.—Beginning with the ~~1976-1977~~ 1977-1978 fiscal year, there shall be added to the basic amount for current operation of qualified districts a sparsity supplement which shall be computed as follows:

$$1. \text{ Sparsity Factor} = \frac{1101.8918}{2700 + \text{district sparsity index}} - .1101$$

except that districts with a sparsity index of 1,000 or less shall be computed as having a sparsity index of 1,000 and districts having a sparsity index of 7,308 and above shall be computed as having a sparsity factor of zero.

2. The district sparsity index shall be computed by dividing the total number of full-time equivalent students in all programs in the district by the number of senior high school centers in the district, not in excess of three, which centers are approved as permanent centers by a survey made by the Department of Education.

Such supplement shall be funded annually as provided by law and in accordance with sparsity factors established by the Department of Education. ~~For the 1975-1976 fiscal year, no county may receive a sparsity supplement unless it is~~

determined by the Department of Revenue 1974 Ratio Study that the county has assessed at least 75 percent of its taxable value. For the 1976-1977 1977-1978 fiscal year and every year thereafter, no county may receive a sparsity supplement unless the district school board has levied the maximum allowable millage of ad valorem taxation on the non-exempt assessed valuation for school purposes of the district, exclusive of millage voted under the provisions of Sections 9(b) and 12 of Article VII of the State Constitution, as provided in s. 236.25(1) it is determined by the Department of Revenue current ratio study that the county has assessed at least the statewide average percent of its taxable value.

Amendment 3—On page 2, line 7, strike "and (e)" and insert: (e) and (f)

Amendment 4—In the title line 9, strike "(e)," and insert: (e), (f),

Amendment 5—In the title, line 17, after the semi-colon (;) insert: providing, with respect to the 1977-1978 fiscal year and succeeding years no county may receive a sparsity supplement unless the district school board levies the maximum millage with respect to certain taxes;

Amendment 8—On page 4, line 31 and on page 5, lines 1 and 2, strike everything after "shall be" and through "herein." and insert: based upon the current year's differential which shall be computed as prescribed herein.

Amendment Sub 10—On page 10, line 8, insert: Section 3. In the event the General Revenue exceeds the amount appropriated in House Bill 3500, all of such excess up to \$37,500,000 shall be appropriated to the Florida Education Finance Program or in the event that House Bill 179 passes, all of the revenue so produced shall be appropriated to the Florida Education Finance Program.

(renumber subsequent section)

Senator Graham moved the following amendment to House Amendment 10:

Amendment 1 to House Amendment 10—On page 1, lines 1-6, strike lines 1-6 and insert: Section 3.

For the 1976-77 fiscal year, there is hereby appropriated to the Florida Educational Finance Program the sum of \$37,500,000. This amount shall be in additional and supplemental to the appropriation to the same item in House Bill 3500. Provided that it is the intent of the legislature that these supplemental funds shall be utilized by the various school districts to achieve parity in compensation between school district and state employees for the biennium July 1, 1975, to June 30, 1977.

Provided further that these supplemental funds shall be released to a school district in accordance with legislative intent as expressed herein upon approval of a school district salary plan by the Commissioner of Education, and shall be effective to the first pay period of the 1976-77 school year.

(and renumber)

On motion by Senator Brantley, the rules were waived and time of adjournment was extended until final action on SB 321.

On motion by Senator Stolzenburg debate was limited to 10 minutes per side on SB 321.

Amendment 1 to House Amendment 10 failed. The vote was:

Yeas—9

Childers, W. D.	Glisson	MacKay	Myers
Dunn	Graham	McClain	
Firestone	Holloway		

Nays—24

Mr. President	Lane, J.	Poston	Scarborough
Brantley	Lewis	Renick	Sims
Gordon	Peterson	Saunders	Spicola
Henderson	Plante	Sayler	Stolzenburg

Thomas, J.	Tobiassen	Vogt	Wilson
Thomas, P.	Trask	Ware	Zinkil

Vote after roll call:

Yea—Hair

Amendment 11—On page 10, line 1, insert: 4. The Department of Education is authorized to increase the base student allocation to the school districts if available funds exceed allocated amounts.

Amendment 12—On page 1 before line 25 insert a section 1. and renumber the subsequent sections. and insert:

Section 1. Paragraph (c) of subsection (3) of section 236.013 is amended to read:

236.013 Definitions.—Notwithstanding the provisions of s. 228.041, the following terms shall be defined as follows for the purpose of this act:

(3) A "full-time equivalent student" in each program of the district is defined in terms of full-time students and part-time students as follows:

(c) A "full-time equivalent student" is:

3. A student in membership in a program scheduled for more or less than 180 school days shall be a fraction of a full-time equivalent membership equal to the number of days more or less in proportion thereto times the applicable computations set forth in subparagraphs 1. and 2.; provided, however, that for the purposes of this subparagraph, membership in programs scheduled for more than 180 days shall be limited to:

- special programs for exceptional students,
- special vocational-technical programs,
- special adult general education programs, and
- basic programs offered for promotion or credit instruction as defined by regulations of the state board.

4. the The department shall determine and implement an equitable method of equivalent funding for experimental schools, and for schools operating under emergency conditions, as which have been approved by the department under the provisions of section 228.041(13) to operate for less than the minimum school day.

Amendment 13—On page 10, line 7, after the period insert: Section 3. Subsection (8) of section 236.081, Florida Statutes, is amended to read:

236.081 Funds for current operation of schools.—The annual allocation from the Florida Education Finance Program to each district for current operation of schools shall be determined as follows:

(8) REDUCTION IN PERSONNEL.—If a reduction in personnel becomes necessary to bring operating costs and expense within the amounts appropriated and available, it is hereby mandated that in no event shall the administrator-teacher ratio in any school district during the school year 1976-1977 1975-1976 be greater than the administrator-teacher ratio in effect in that school district during the year 1974-1975. If such a reduction in administrative personnel becomes necessary, school level administrators in frequent contact with children shall be the last in priority for reduction.

(Renumber subsequent sections)

Amendment 14—On page 2, lines 20 and 21, and on page 4, line 18 strike "unweighted full-time equivalent student value" and insert: base student allocation

On motions by Senator Lewis, the Senate again refused to concur in House Amendments 1, 3, 4, 5, 8, 10, 11, 12, 13 and 14 to SB 321, and requested that a conference committee be appointed. The action of the Senate, with the bill and amendments, was certified to the House.

On motion by Senator Brantley, the rules were waived and time of adjournment was extended until consideration of a message from the House containing CS for HB's 2825, 3042, 3043, 3044 and 3155.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB's 2825, 3042, 3043, 3044 and 3155 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Commerce and Representative Steinberg and others—

CS for HB's 2825, 3042, 3043, 3044 & 3155—A bill to be entitled An act relating to liability and insurance therefor; amending s. 324.021(7), Florida Statutes; changing the financial responsibility limits and providing for a deductible; amending s. 324.051(2), Florida Statutes, changing the property damage operative amount in the financial responsibility law; amending s. 627.727(1), Florida Statutes; requiring that insurers offer the same uninsured motorist limits to insureds that they offer for bodily injury liability coverage to give insureds flexibility in choosing the limits they desire; amending s. 627.731, Florida Statutes; requiring personal injury protection benefits; amending s. 627.736(1), (2), (3), (4), (6) and (7), Florida Statutes; requiring personal injury protection benefits; deleting funeral benefits; providing for reasonable and customary medical benefits; changing benefits for loss of earnings; providing for the tolling of the 30-day personal injury protection benefit payment period under certain conditions; providing that no insurer paying personal injury protection benefits shall have a lien on recoveries in tort; providing that a claimant in any tort claim for which personal injury protection benefits have been paid shall have no right to recover in tort any damages for personal injury protection benefits paid; providing for jury instructions relating to said damages; deleting language relating to equitable distribution and insurer actions; providing that a sworn statement relating to treatment, services, and costs be provided the insurer by a physician, hospital, clinic or other medical institution; providing that no cause of action for invasion of privacy or violation of the physician-patient privilege shall be due to compliance with the discovery provisions of said section; providing that notice to an insurer of the existence of a claim shall not be unreasonably withheld by an insured; providing for the withholding of personal injury protection benefits when an insured unreasonably refuses to submit to a medical examination upon the request of an insurer; amending s. 627.737, Florida Statutes; providing for an exemption from tort liability for general damages because of bodily injury arising out of the ownership, operation, maintenance or use of a motor vehicle unless the bodily injury, sickness or disease is scientifically or objectively demonstrable by recognized medical techniques; deleting language relating to the tort exemption and limitation on right to damages; amending s. 627.739, Florida Statutes, relating to deductibles for personal injury protection benefits; specifying minimum bodily injury limits and providing for a deductible relating thereto; providing for minimum property damage liability limits; creating s. 627.7375, Florida Statutes; prohibiting fraud or intent to commit fraud to violate part X of chapter 627, Florida Statutes; providing penalties; creating s. 626.989, Florida Statutes; establishing a Division of Fraudulent Claims within the Department of Insurance; creating s. 627.4132, Florida Statutes; prohibiting stacking of coverages; creating s. 627.7376, Florida Statutes; mandating the development by the Department of Insurance and use by insurers of a uniform basic policy providing coverage for claims arising out of the use of motor vehicles and mandating a form to implement simplified selection by insureds of options and costs thereof

relating to such coverage; creating s. 627.7377, Florida Statutes; providing for property damage deductibles from \$100 to \$500 relating to coverage on an insured's motor vehicle; creating s. 627.7262, Florida Statutes, prohibiting joinder of an insurer; creating s. 768.135, Florida Statutes, providing for the introduction into evidence of collateral sources of indemnity and costs therefor; repealing s. 325.19(7), Florida Statutes, relating to proof of insurance; repealing ss. 627.733, 627.734, and 627.735, Florida Statutes, relating to compulsory insurance; repealing s. 627.738, Florida Statutes, relating to tort liability for property damage; repealing s. 627.740, Florida Statutes, relating to tort claims; repealing s. 627.741(2), Florida Statutes, relating to compliance with ss. 627.730-627.741, Florida Statutes, by insurers; providing for severability; providing an effective date.

—was read the first time by title. On motion by Senator MacKay, the rules were waived and the bill was placed on the calendar.

The President presiding

On motion by Senator W. D. Childers, by two-thirds vote HB 4109 was withdrawn from the Committee on Rules and Calendar.

On motions by Senator W. D. Childers, by two-thirds vote House Bills 3158 and 3170 were withdrawn from the Committee on Commerce.

On motion by Senator W. D. Childers, the rules were waived and by two-thirds vote HB 340 was withdrawn from the Committee on Commerce.

On motions by Senator Gordon, the rules were waived and by two-thirds vote Senate Bills 467, 744, 1205 and House Bills 4020 and 1106 were withdrawn from the Committee on Ways and Means.

On motion by Senator Gordon, by two-thirds vote HB 2786 was withdrawn from the Committee on Ways and Means.

On motion by Senator Lewis, the rules were waived and by two-thirds vote SB 564 was withdrawn from the Committee on Education.

On motion by Senator Peterson, by two-thirds vote HB 4108 was withdrawn from the Committee on Agriculture.

On motion by Senator Ware, by two-thirds vote HB 4041 was withdrawn from the Committee on Judiciary-Criminal.

CO-INTRODUCERS

Senator Renick—SB 1204 and SB 1449; Senators Sayler and Ware—SJR 825; Senator D. Childers—SB 454; Senator Renick—SB 1449

The Journal of May 31 was corrected and approved.

The Senate adjourned at 6:32 p.m. to reconvene at 9:00 a.m., June 2.